



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.14354 of 2021

C.Muthuramalingam

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Sivagangai District.

2.The Deputy Registrar of Co-operative Societies,
Sivagangai, Sivagangai District.

3.The Secretary,
No.630, Kombakkaranendal Co-operative Societies,
Kombakkaranendal,
Savariyarpattinam Post,
Manamadurai Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to pay the arrears of salary and other retirement benefits liable to be paid to the petitioner along with 18 % interest from the date of retirement of the petitioner i.e. 29.04.2017 as per the proceedings of the 2nd respondent, dated 27.08.2018 and as well as the representation made by the petitioner, dated 02.02.2021.

For Petitioner : Mr.C.Ramalingam

For Respondents : Mr.A.K.Manikkam

Government Counsel

ORDER

This petition has been filed seeking for issuance of a Mandamus directing the 3rd respondent to pay the arrears of salary and other retirement benefits liable to be paid to the petitioner along with 18% p.a. interest from the date of retirement of the petitioner i.e. 29.04.2017 as per the proceedings of the 2nd respondent dated 27.08.2018, considering the representation dated 02.02.2021 made by the petitioner.



2. Heard the learned counsel appearing for the petitioner and the learned Government Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

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4. The case of the petitioner is that the petitioner was working as a Salesman in the third respondent Society. After attaining the age of superannuation, the petitioner was retired from service on 29.04.2017. However, the arrears of salary and other retirement benefits except General Provident Fund, have not been paid to the petitioner till date as prescribed by the by-laws of the third respondent Society. However, his request has not been considered by the third respondent Society. Hence, the petitioner made several representations to all the respondents on 02.04.2018, 27.06.2018 and 02.02.2021 and finally he made a representation to the second respondent on 02.03.2021. On receipt of the representation of the petitioner dated 27.06.2018, the second respondent vide his proceedings dated 27.08.2018 directed the third respondent to pay the arrears of salary and other retirement benefits to the petitioner. According to the petitioner, the third respondent has not considered for payment of arrears of salary and other attendant benefits. Therefore, the present writ petition has been filed before this Court. The impugned order passed by the third respondent Society in view of the decision rendered by the Full Bench of this Court in Marappan' Case reported in "2006-4-CTC-689", the Deputy Registrar of Co-operative Societies, Namakkal wherein, the writ petitioner challenged the order passed by the Co-operative Society is not maintainable since the petitioner has alternative efficacious under the provisions of the Tamilnadu Co-operative Societies Act.

5. The First respondent/Cooperative Society is a registered Society under the provisions of the Tamilnadu Cooperative Societies Act. Thus, the remedy of the writ petitioner lies only before the competent authority under the provisions of Tamilnadu Cooperative Societies Act.

6. The Co-operative Societies registered under the Tamilnadu Co-operative Societies Act is not a State within the meaning of Article 12 of the Constitution of India. Thus, the remedy to the employees of the Co-operative Societies lies before the competent authorities under the provisions of the Act itself. The Tamil Nadu Co-operative Societies Act is a comprehensive legislation and a revision is provided under Section 153 of the Act. The powers of the Registrar under the Act has been delegated to the Regional Joint Registrars who are empowered to entertain the revision against the orders passed by the Special Officer/Management of the Co-operative Society. Thus, the present writ petition is not maintainable. The legal principles in this regard are settled by



the Larger Bench of this Court in the matter of "**K.Marappan Vs. Deputy Registrar, Co-operative Societies and another**" reported in 2006 (4) CTC 689. The writ petitioner is at liberty to approach the competent authority under the provisions of the Act. In the event of any such representation being made, the authorities may pass orders on merits and in accordance with law.

7. With the above observation, the Writ Petition stands dismissed with liberty as state above. No costs.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Joint Registrar of Co-operative Societies,
Sivagangai District.
- 2.The Deputy Registrar of Co-operative Societies,
Sivagangai, Sivagangai District.
- 3.The Secretary,
No.630, Kombakkaranendal Co-operative Societies,
Kombakkaranendal,
Savariyarpattinam Post,
Manamadurai Taluk,
Sivagangai District.

+1 CC to M/s.K.C.RAMALINGAM, Advocate(SR-26575[F] dated 17/08/2021)

+1 CC to M/s.GP (SR-26500[F] dated 17/08/2021)

W.P (MD) No.14354 of 2021
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MGJ (23/08/2021) 3P 6C