



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.15475 of 2021
& WMP (MD) No.12372 of 2021

V.Muthumani

... Petitioner

Vs.

- 1.The Registrar of Co-operative Societies(Housing),
48, Ritherdon Road,
Vepery,
Chennai - 600 007.
- 2.The Deputy Registrar of Co-operative Societies(Housing),
Madurai Region,
No.5, Baskara Complex,
'A' Block 2nd Floor,
Besant Road,
Chinna Chokkikulam,
Madurai-2.
- 3.The President,
D.D.199, Uthamapalayam Co-operative Building Society Ltd.,
Uthamapalayam,
Theni District.
- 4.The Secretary,
D.D.199, Uthamapalayam Co-operative Building Society Ltd.,
Uthamapalayam,
Theni District.
- 5.The President,
A-1187, C-Puthupatti Primary Agricultural Co-operative Credit
Society,
C.Puthupatti,
Madurai District-625 556.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned orders passed by the 3rd and 4th respondents dated 07.06.2021 and 14.06.2021 respectively and quash the same and consequently direct the respondent nos.1 to 4 to grant the terminal benefits such as



Gratuity, Provident Fund, Leave Salary and Back Wages and attendant benefits for the service rendered by the petitioner along with interest at the rate of 18% per annum for the belated payment within a stipulated time as fixed by this Hon'ble Court.

WEB COPY

For Petitioner : M/S.S.Balaji
For Respondents : Mr.A.K.Manickam,
for State.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned orders passed by the 3rd and 4th respondents dated 07.06.2021 and 14.06.2021 respectively and quash the same and consequently direct the respondent nos.1 to 4 to grant the terminal benefits such as Gratuity, Provident Fund, Leave Salary and Back Wages and attendant benefits for the service rendered by the petitioner along with interest at the rate of 18% per annum for the belated payment within a stipulated time as fixed by this Hon'ble Court.

2. Heard the learned counsel appearing for the petitioner and the learned 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.

4.The case of the petitioner is that he has challenged the impugned orders dated 07.06.2021 & 14.06.2021 passed by the respondents 3 & 4 stating that due to financial crisis, the Gratuity amount shall be disbursed to the petitioner only after superannuation or retirement and after the financial position of the respondent Society is restructured effectively. It is further informed that the petitioner is neither superannuated nor retired from service and he only redeployed to the 5th respondent Society on account of the prevailing financial crisis in the 3rd respondent Society. According to the petitioner, the reasons as stated in the impugned orders are incorrect. Therefore, he is entitled for payment of Gratuity amount from the third respondent Society.

5. The impugned orders passed by the third and fourth respondents 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.



6. The third and fourth respondent/Cooperative Society are the registered Societies 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.

WEB COPY

7. 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.

8. With the above observation, the Writ Petition stands dismissed with liberty as state above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

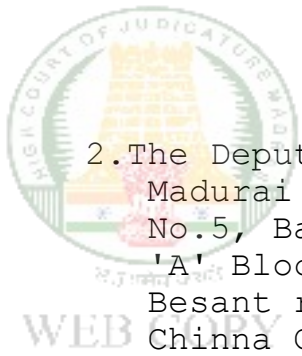
dn

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 Registrar of Co-operative Societies(Housing),
48, Ritherdon Road,
Vepery,

<https://hcservices.hccourts.gov.in/hcse6/043/007>



2.The Deputy Registrar of Co-operative Societies(Housing),
Madurai Region,
No.5, Baskara Complex,
'A' Block 2nd Floor,
Besant road,
Chinna Chokkikulam,
Madurai-2.

3.The President,
D.D.199, Uthamapalayam Co-operative Building Society Ltd.,
Uthamapalayam,
Theni district.

4.The Secretary,
D.D.199, Uthamapalayam Co-operative Building Society Ltd.,
Uthamapalayam,
Theni district.

5.The President,
A-1187, C-Puthupatti Primary Agricultural Co-operative Credit
Society,
C.Puthupatti,
Madurai District-625 556.

+1 CC to M/s.S.BALAJI, Advocate (SR-27976[F] dated 02/09/2021)

+1 CC to M/s.GP (SR-27883[F] dated 02/09/2021)

W.P (MD) No.15475 of 2021
31.08.2021

MGJ(08.09.2021) 4P 8C