



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.02.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.20979 of 2021

WEB COPY

Tamil Nadu Public Distribution Employees Association,
Branch 35/26 Water Tank Road,
Vedanatha Street,
Nagercoil,
Kanyakumari District,
Rep.by its State General Secretary K.Kumariselvan,
S/o.Krishna Moorty,
Residing at
7/61, Uthanthan Kudiyuruppu,
Puthallam Post,
Kanyakumari District. ... Petitioner

Vs.

The Registrar of Cooperative Societies,
Office of Registrar of Cooperative Societies,
N.V.Natarajan Maaligai,
170, EVR Highways,
Kilpauk, Chennai-10. ... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to implement the Circular No.29/85 dated 12.07.1985, within stipulated time may be fixed by this Court, by considering the petitioner's representations dated 19.10.2021 and 12.11.2021, which is relating to payment of the incentive.

For Petitioner	: Mr.S.Ayyanar Prem Kumar
For Respondents	: Mr.P.Thilak Kumar, Government Pleader assisted by Mr.M.Ramesh Government Advocate

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ORDER

The relief sought for in the present writ petition is to direct the respondent to implement the Circular No.29/85 dated 12.07.1985, by considering the petitioner's representations dated 19.10.2021 and 12.11.2021.

2.The petitioner is Tamil Nadu Public Distribution Employees Association. The grievance of the petitioner is the the circular is
<https://hcservices.ecourts.gov.in/hcservices/>



of the year 1985, has not been given effect in respect of grant of increment to the employees of the Co-operative Society.

3. The Association cannot file a writ petition for implementation of such circular, as the implications in respect of each Co-operative Society, which is an independent entity has to be considered. The Co-operative Society is not funded by the Government and is not a State within the meaning of Article 12 of the Constitution of India. Therefore, in respect of such grievance relating to increment or pay, the aggrieved individual employee has to approach the competent authority under Section 153 of the Tamil Nadu Co-operative Societies Act, for redressal.

4. The learned Government Pleader appearing for the respondents brought to the notice of this Court that the said circular is not in force, as it was of the year 1985 and thereafter, the pay distribution system came into force and the salary has been fixed by the respective Co-operative Societies, as per the guidelines issued by the Government and the Registrar of Co-operative Society. Therefore, the circular is of the year 1985 cannot be given effect in respect of the Co-operative Society employees. If at all any grievance exist for the members of the petitioner Association, such members are at liberty to approach the competent authority under the provisions of the Co-operative Societies Act for redressal of their grievances.

5. With these observations, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Registrar of Cooperative Societies,
Office of Registrar of Cooperative Societies,
N.V.Natarajan Maaligai,
170, EVR Highways, Kilpauk, Chennai-10.

+1. CC to M/S.S.SURESHKUMAR Advocate SR.No.9330
+1. CC to M/S.SPL G.P SR.No.9196,9216

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RD(15.03.2022) 2P 4C