



W.P.No.7303 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7303 of 2019

N.Rajagopalan

... Petitioner

Vs.

1. The Additional Registrar,
Tamil Nadu Co-operative Societies,
No.91, St.Mary's Road,
Abiramapuram,
Chennai – 600 018.

2. The Deputy Registrar of Co-operative Societies (Non-Credit),
Kuralagam, 2nd Floor,
Broadway,
Chennai – 108.

3. The President,
Madras Postal Audit Co-operative,
Consumers Stores Ltd., Egmore,
Chennai – 600 008.

4. Mr.S.Dhanasekaran,
The President,
Madras Postal Audit Co-operative,
Consumers Stores Ltd., Egmore,
Chennai – 600 008.

... Respondents



W.P.No.7303 of 2019

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the Respondents 1, 2 & 3 herein, to pay monthly salary to the petitioner without default consequently directed to pay the arrears of salary.

For Petitioner : Mr.R.Nalliappan

For Respondents :

For R1 & R2 : Mr.R.P.Murugan Raja
Government Advocate

For R3 : Mr.L.P.Shanmugasundaram

For R4 : Mr.K.Rajendiran

ORDER

The relief sought for in the present writ petition to direct the Respondents 1, 2 & 3 herein, to pay monthly salary to the petitioner without default and consequently directed to pay the arrears of salary.

2. The petitioner was an employee served in the cadre of Salesman in the third respondent Co-operative Society, which is registered under the Tamil Nadu Co-operative Societies Act. The third respondent / Cooperative Society is not a 'State' within the meaning of Article 12 of the Constitution of India. Thus, the petitioner has to exhaust his remedy before the Revisional Authority contemplated under Section 153 of the Tami Nadu Cooperative Societies Act.



W.P.No.7303 of 2019

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3. In the present case, the grievances of the writ petitioner is that the salary due to him from the year 2018, onwards are not settled.

4. The learned counsel appearing on behalf of the third respondent brought to the notice of this Court that on 31.03.2018, the third respondent Society incurred a financial loss of more than Rs.19,00,000/-. The petitioner was not even working in the society from the year 2018 onwards. Since, the third respondent Society was a one man society managed by the petitioner himself, these disputed facts cannot be adjudicated in the present writ petition. The petitioner is at liberty to approach the Revisional Authority under Section 153 of the Tamil Nadu Cooperative Societies Act, for redressal of his grievances.

5. Accordingly, the writ petition stands disposed of. No costs.

30.11.2022

Index:Yes/No
Speaking order/Non-speaking order
rgm



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W.P.No.7303 of 2019

S.M.SUBRAMANIAM, J.

rgm

To

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