



WEB COPY



W.P.No.27777 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27777 of 2016

and

W.M.P.Nos.23964 & 34294 of 2016

M.Balakrishnan

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Chengalpattu.

2.The Deputy Registrar of Co-operative Societies,
Chengalpattu.

3.The President,
Town Co-operative Thrift and Credit Society,
Singaperumal Koil, Chengalpet.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to dispose of the petitioner's representation dated 08.07.2016 seeking confirm the salary paid under Section 12 (3) Settlement of I.D.Act 1947 to the petitioner.



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For Petitioner	: Mr.R.Karunagaran
For R1 & R2	: Mr.R.P.Murugan Raja Government Advocate
For R3	: Mr.A.Raja Perumal

ORDER

The relief sought for in the present writ petition is to direct the respondents to dispose of the petitioner's representation dated 08.07.2016 seeking confirm the salary paid under Section 12 (3) Settlement of I.D.Act 1947 to the petitioner.

2. Exhausting a Statutory remedy is of paramount importance. High Court cannot decide a disputed issue under Article 226 of the Constitution of India, which is to be done with reference to the documents and evidences in original.

3. In the present case, the petitioner served as an employee in the 3rd respondent Co-operative Society, which is registered under the Tamil Nadu Co-operative Societies Act. The benefits being claimed by the petitioner is based on the 12(3) Settlement under the Industrial Disputes Act. If at all there



is a violation of 12(3) Settlement, then the adjudication is to be made before the Competent Labour Court. If the petitioner says that he is otherwise eligible in accordance with the by-laws of the Co-operative Societies or otherwise, then he has to approach the Revisional Authority under Section 153 of the Tamil Nadu Co-operative Societies Act.

4. Only in the event of specific finding either by the Labour Court or by the Revisional Authority, the High Court would be in a position to entertain the writ petition. The factual findings of the Revisional Authority or the Labour Court would be greater assistance for the High Court to exercise the powers of judicial review in an effective manner. In the absence of any such adjudication, the High Court cannot grant the relief merely based on the averments made in the affidavit or few Xerox copies of the documents filed along with the writ petition.

5. This being the factum, the petitioner is at liberty to approach before the Competent Labour Court / Revisional Authority under the provisions of the Tamil Nadu Co-operative Societies Act for the purpose of redressal of his grievances. In the event of any such approach, the period during which the



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writ petition was pending is to be taken into consideration for the purpose of condoning the delay, if any and the issues are to be adjudicated on merits and in accordance with law as expeditiously as possible.

6. With this liberty, the Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

09.11.2022

Jeni
Index : Yes
Speaking order

To

- 1.The Joint Registrar of Co-operative Societies,
Chengalpattu.
- 2.The Deputy Registrar of Co-operative Societies,
Chengalpattu.
- 3.The President,
Town Co-operative Thrift and Credit Society,
Singaperumal Koil, Chengalpet.



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S.M.SUBRAMANIAM, J.

Jeni

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