



W.P.No.29495 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29495 of 2014

and

M.P.No.1 of 2014

R.Thiyagarajan

...Petitioner

Vs

1.Joint Registrar of Cooperative Societies,
Collectorate Complex,
Tiruvvarur [PO] & [Dt].

2.Deputy Registrar of Cooperative Societies,
Mannargudi [PO] & [Tk].

3.The Thiruthuraipoondi Pimary
Cooperative Agriculture and Rural
Development Bank Ltd.,
Rep. by President,
Samiappa Nagar,
Thiruthuraipoondi [PO] & [Tk].

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the monetary benefits flowing out of the order Na.Ka.4981/2010 Sa.Pa dated 10.09.2012 of the first respondent by way of backwages, continuity of service, wage revision arrears and other attendant benefits, in accordance with law besides all the retirement benefits before a stipulated date.

1/4



W.P.No.29495 of 2014

For Petitioner : Mr.A.Praveen Kumar
for Mr.P.Anbarasan

For R1 & R2 : Mrs.S.Anitha
Special Government Pleader
For R3 : Mr.L.P.Shanmugasundaram

ORDER

The relief sought for in the present writ petition is to direct the respondents to settle the terminal and retirement benefits based on the proceedings of the first respondent dated 10.09.2012.

2. The petitioner was holding the post of Supervisor. Disciplinary proceedings were initiated against the petitioner on account of certain grave charges of fraudulent activities in the matter of sanction of loans in the third respondent Cooperative Society. He was placed under suspension and departmental proceedings were initiated and he was dismissed from service by the Management of Cooperative Society. The petitioner preferred a revision under Section 153 of the Tamil Nadu Cooperative Societies Act, which was rejected by the first respondent in proceedings dated 10.09.2012. However, the petitioner reached the age of superannuation. Thus, the petitioner claims that the terminal and retirement benefits due to him are to be settled.



W.P.No.29495 of 2014

3. The petitioner was an employee of a Cooperative Society, which is registered under the provisions of the Tamil Nadu Cooperative Societies Act. The Society which is not funded by the Government is not the State within the meaning of Article 12 of the Constitution of India. Thus, the petitioner has to exhaust the alternate remedy contemplated under the provisions of the Act. More specifically, Section 153 of the Act provides revision. In view of the fact that the principles regarding the entertainability of a writ petition has already been settled by a Larger Bench of this Court in the case of ***K.Marappan Vs. The Deputy Registrar of Co-operative Societies and another*** reported in **2006 (4) CTC 689**, the petitioner has to approach the competent authority for the purpose of redressal of his grievance. Thus, the petitioner is at liberty to approach the competent authority for the purpose of redressing his grievances in the manner known to law.

4. With the above liberty, the Writ Petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

01.07.2022

Index:Yes
Speaking order
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3/4



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W.P.No.29495 of 2014

S.M.SUBRAMANIAM, J.

hvk

To

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W.P.No.29495 of 2014

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