



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1581 of 2021

WEB COPY

- 1.S.Soundara Raj
- 2.G.Mariarputham
- 3.T.Saraja Bai
- 4.C.Jaga Robert Singh
- 5.K.Chandran
- 6.S.Murugan
- 7.R.Arul Jeba Kumar

... Petitioners

Vs.

- 1.The Principal Secretary to Government
Co-operative, Food and Consumer,
Protection Department,
Fort St.George, Chennai-600 009.

- 2.The Registrar of Co-operative Societies,
NVN Natarajan Maligai,
Kilpauk, Chennai-10.

- 3.The President,
Jawahar Primary Agricultural,
Co-operative Credit Society Limited,
No.3007, Muttaiakadu, Kumarapuram Post,
Kanyakumari District-629 164.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to fix the pay scales along with 97% DA from 01.04.2008 and pay the same to the petitioners from 01.04.2008 with interest in the light of the order passed in W.P(MD).Nos.9140 of 2014 dated 19.12.2018.

For Petitioner : Mr.R.Saravanan

For Respondent : Mr.M.Ramesh
Government Advocate
for RR1 and 2
Mr.P.Mahendran for R3

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to fix the pay scales along with 97% of Dearness Allowance from 01.04.2008 and pay the same to the petitioners from 01.04.2008 with interest, in the light of the order passed in W.P(MD).Nos.9140 of 2014 dated 19.12.2018.



2. Admittedly, all the writ petitioners are working in the Primary Agricultural Co-operative Society which is a registered Co-operative Society under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. However, the Co-operative Society, which is not funded by the Government, is not a State within the meaning of Article 12 of the Constitution of India. Furthermore, the petitioners have to exhaust the alternate remedy provided under the Co-operative Societies Act. Section 153 of the Act contemplates Revision and before approaching the High Court, the aggrieved employee of the Co-operative Society has to exhaust the remedy contemplated under the Act. The practice of directly approaching the High Court without exhausting the statutory remedy cannot be encouraged. The importance of the statutory remedies is to be considered by the Courts. The Statutory Authorities are exhausting *quasi* judicial powers and therefore, they are bound to adjudicate both factual aspects and legal grounds raised between the parties. Thus, the legislative intention to provide an opportunity for re-dressal of grievances at no circumstances be undermined by the High Court. All such remedies are to be exhausted before approaching the High Court. Only on exemptional circumstances, if certain damage costs cannot be restored, then alone, such alternate remedies are to be dispensed with, but not otherwise. The principles in this regard are settled by this Court in the case of ***K.Marappan vs. The Deputy Registrar of Co-operative Societies, reported in 2006 4 (CTC) 689***. Thus, the petitioners have to approach the Competent Revisional Authority under the Act for re-dressal of their grievances and if they have aggrieved any further, they have to approach the Court of law for appropriate relief. In the event of filing any such revision petition, the period during which the writ petition is pending before this Court is to be taken into consideration for condoning the huge delay and the issues are to be adjudicated on merits and in accordance with law.

3. Accordingly, the Writ Petition stands disposed of. No costs.

Sd/-

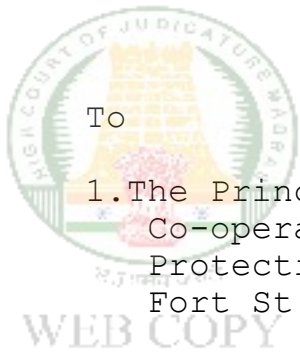
Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar (CS)

ssb



To

- 1.The Principal Secretary to Government
Co-operative, Food and Consumer,
Protection Department,
Fort St.George, Chennai-600 009.
- 2.The Registrar of Co-operative Societies,
NVN Natarajan Maligai,
Kilpauk, Chennai-10.
- 3.The President,
Jawahar Primary Agricultural,
Co-operative Credit Society Limited,
No.3007, Muttaiakadu, Kumarapuram Post,
Kanyakumari District-629 164.

+1 CC to M/s.R. SARAIVANAN, Advocate (SR-16808[F] dated 06/04/2022)

+1 CC to M/s.SPL.GP (SR-16901[F] dated 06/04/2022)

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