



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.02.2022
CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.2942 of 2022

WEB COPY

The Kalkulam Co-operative Stores Ltd., No.2048,
Rep. by its President,
Market Road, Thuckalay-629 175,
Kanyakumari District.

... Petitioner

-vs-

1.Registrar of Co-operative Societies,
170, NV Nadarajan Maaligai,
Periya E.V.R.High Road,
Kilpauk, Chennai-600 010.

2.Regional Joint Registrar of Co-operative Societies,
2nd Floor, Collector Office New Building,
Nagercoil, Kanyakumari District.

3.Deputy Registrar of Co-operative Societies,
Palace Road, Thuckalay & Post,
Kanyakumari District-629 175.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pass appropriate order on the proposal to fix cadre strength, dated 28.09.2016 as per the Registrar Circular, dated 07.02.2017 in Na.Ka.No.583/2015/நடுபுல within a period that may be fixed by this Court.

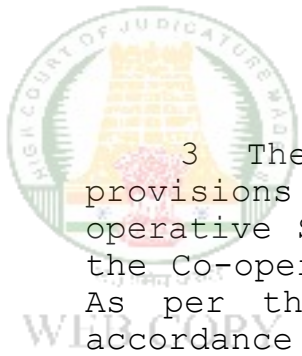
For Petitioner
For Respondents

: Mr.V.H.S.Prathap
: Mr.P.Tilak Kumar
Government Pleader
Asst. by Mr.M.Ramesh
Government Advocate

O R D E R

The petitioner is a Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983.

2. The learned counsel appearing for the writ petitioner made a submission that the Registrar issued a circular, dated 07.02.2017 regarding revision of scale of pay for the employees of the Co-operative Stores. He would further submit that in view of the non-fixation of the cadre strength, the petitioner's society is unable to enter into the settlement under the Industrial Disputes Act.



3 The Registrar is the controlling authority under the provisions of the co-operative societies Act. As far as the Co-operative Societies are concerned, general guidelines are issued to the Co-operative stores regarding fixation of pay to the employees. As per the circular, the petitioner has to fix the salary in accordance with the provisions of the Act and Rules. In the event of any doubt or otherwise, appropriate clarifications are to be sought from the Registrar for implementation of the Circular. Contrarily, the petitioner's Society cannot approach the High Court for the purpose of solving certain administrative issues, which cannot be entertained.

4. The High Court cannot interfere with the routine administration regarding fixation of cadre strength and fixation of pay as per the circulars issued by the Registrar of Co-operative Societies. Thus, the Society has to approach the Registrar, if any further clarifications are required or doubt regarding implementation.

5. Fixation of cadre strength is an administrative process, which is to be undertaken in respect of all the co-operative societies across the State periodically. If at all the cadre strength fixed is inadequate with reference to the workload or additional posts are to be sanctioned, then all these grievances are to be addressed to the competent authority namely, the Registrar and the Court cannot direct the authorities to fix the cadre strength in a particular manner or assess the workload or otherwise. All these administrative actions are to be redressed only through the mechanism provided under the rules of Administration and not by filing the writ petition.

6. This being the basic principles to be followed, the petitioner is at liberty to approach the Registrar for clarification or otherwise in respect of the fixation of cadre strength or additional staffs sanction, or otherwise.

7. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

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+1 CC to M/s.SPL GP (SR-6525[F] dated 16/02/2022)

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MGJ(01.03.2022) 3P 5C