



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.6504 of 2022

A.Murugan

... Petitioner

-vs-

1.The President,
Tamil Nadu Co-operative State Agriculture &
Rural Development Bank Ltd.,
No.181, Luz Church Road, Mylapore,
Chennai-600 004.

2.The Managing Director,
Tamil Nadu Co-operative State Agriculture &
Rural Development Bank Ltd.,
No.181, Luz Church Road,
Mylapore, Chennai-600 004.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to disburse the gratuity amount along with applicable interest as envisaged in the Payment of Gratuity Act and as per the special byelaw of the respondents bank by calculating from the date on which the petitioner relieved from service (i.e) on 09.09.2019 to till the date of realization by considering the petitioner's representation dated 18.11.2019, 31.01.2020 and 17.09.2020 within the period stipulated by this Court.

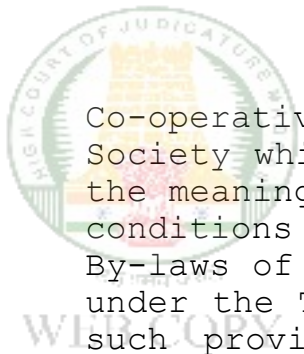
For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.M.Ramesh
Government Advocate

O R D E R

This writ petition has been filed to issue writ of mandamus to direct the respondents to disburse the gratuity amount along with applicable interest as envisaged in the Payment of Gratuity Act.

2. Admittedly, the petitioner is an employee in a Cooperative Society, which is registered under the provisions of the Tamil Nadu
<https://hcservices.ecourts.gov.in/hcservices/>



Co-operative Societies Act (for brevity "the Act"). A Cooperative Society which is not funded by the Government is not a State within the meaning of Article 12 of the Constitution of India. The service conditions of the society employees are governed under the Special By-laws of the society concerned, which is approved by the Registrar under the Tamil Nadu Cooperative Societies Act. In the event of no such provision of gratuity under the Special By-laws, then the employees have to approach the competent authority under the Gratuity Act for the purpose of redressing their grievances.

3. The learned counsel for the petitioner made a submission that provision for payment of gratuity is very much available in the Special By-laws of the 2nd respondent society.

4. If that is the case, then the petitioner has to exhaust the alternate remedy contemplated under Section 153 of the Act, in view of the fact that the society is not a State within the meaning of Article 12 and no writ is maintainable against an institution, which is not a State.

5. In this regard, the petitioner has to approach the competent authority under Section 153 of the Act for the redressal of his grievances in view of the fact that the petitioner is a retired employee and approaching the court of law for payment of gratuity. He is at liberty to file a revision petition under Section 153 of the Act before the competent authority within a period of four weeks from the date of receipt of a copy of this order in a prescribed format and by paying the prescribed fee and on receipt of such revision petition, the revision authority shall proceed with the enquiry and dispose of the revision petition by affording opportunity to all the parties concerned as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of the revision petition from the petitioner.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr



To

1.The President,
Tamil Nadu Co-operative State Agriculture &
Rural Development Bank Ltd.,
No.181, Luz Church Road, Mylapore,
Chennai-600 004.

2.The Managing Director,
Tamil Nadu Co-operative State Agriculture &
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+1 CC to M/s.SPL.GP. (SR-19173[F] dated 18/04/2022)

W.P.(MD) No.6504 of 2022
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