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Writ Petition No.3373 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 09.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.3373 of 2023**

G.Santhi

W/o.Soundrarajan

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,  
Omalur Circle,  
Salem District.

2.The President,  
S.237, Lakshumayur,  
Primary Agricultural Co-operative Credit Society Ltd,  
Duttampaty Post,  
Omalur Taluk,  
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to consider the claim of the petitioner with regard to fixation of pay/wage settlement and pass orders within a limited time frame in the light of the representation dated 23.12.2022.

For Petitioner : Mr.M.Govindan

For R1 : Mrs.R.Vijaya Devi  
Government Advocate

For R2 : Mr.K.Tamilvendan  
Government Advocate

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## **ORDER**

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This writ petition has been filed for issuance of a writ of mandamus directing the respondents to consider the claim made by the petitioner, who is seeking for fixation of pay and wage settlement based on the representation made by her on 23.12.2022.

2. Heard Mr.M.Govindan, learned counsel for petitioner and Mrs.R.Vijaya Devi, learned Government Advocate, appearing for first respondent and Mr.K.Tamilvendan, learned Government Advocate, appearing for second respondent.

3. The grievance of the petitioner is that there was an agreement between the Society and its members u/s.18(1) of the Industrial Disputes Act and pursuant to the same, the wage was fixed. However, the second respondent Society is not acting upon the settlement u/s.18(1) of the Industrial Disputes Act and the petitioner's request for re-fixation of pay is not being done by the second respondent Society. Aggrieved by the same, the present writ petition has been filed.



4. The relief that has been sought for by the petitioner is as against the second respondent Society. After the Apex Court had struck down the 97th amendment, the original position is restored and this Court is bound by the judgment of the Larger Bench in *Marappan's* case. The Division Bench of this Court in *P.Manimaran v. The Joint Registrar/Managing Director, Sivagangai District Central Co-operative Bank Ltd., Sivagangai & another* [2022 (3) LW 78] has categorically held that after the 97th amendment was struck down by the Supreme Court, the dictum of *Marappan's* case is restored and hence, a writ petition cannot be maintained as against the Society. As a Single Judge, I am bound by the dictum of the Division Bench and also the dictum of the Larger Bench in *Marappan's* case. The nature of claim that has been made by the petitioner is more in the nature of a dispute between the member and the Society and it directly touches upon the business of the Society since the petitioner is seeking for revision of pay. Hence, liberty is given to the petitioner to move the Registrar u/s.90 of the Tamil Nadu Co-operative Societies Act, 1983. The Registrar shall dispose of the petition filed by the petitioner seeking for wage revision after giving an opportunity to the second respondent, as expeditiously as possible.

**N.ANAND VENKATESH, J**



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*rap*

Accordingly, this Writ Petition is disposed of in the above terms. No costs.

**09.02.2023**

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

*rap/gm*

To

1.The Deputy Registrar of Co-operative Societies,  
Omalur Circle,  
Salem District.

2.The President,  
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