



W.P.No.21920 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **VIVEK KUMAR SINGH**

W.P.No.21920 of 2021 and
W.M.P.No.23130 of 2021

R.Balakrishnan

...Petitioner

-Vs-

1.The State of Tamil Nadu rep its
Secretary to Government,
Department of Co-operative Societies,
Fort St. George,
Chennai 600 009.

2.The Joint Registrar of Co-operative Societies,
Cuddalore Regional Officer,
Beach Road, Cuddalore 607 001.

3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of
Co-operative Societies (Cuddalore Circle)
Dhandapani Nagar, Semmandalam,
Cuddalore 607 001

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent dated 13.07.2021 comprised in Na.Ka.2196 of 2021 and quash the same and consequently direct the 3rd respondent to consider the representation of the petitioner dated



W.P.No.21920 of 2021

29.02.2020 without any reference impugned order dated 13.07.2021 in Na.Ka.2196 of 2021.

For Petitioner : Dr.P.Vasudevan
For Respondents : Mr.V.Nanmaran, AGP

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 13.07.2021 in Na.Ka.No.2196 of 2021 and to direct the third respondents to consider the representation of the petitioner dated 29.02.2020.

2. Heard the learned counsel appearing on either side and also perused the materials available on record.

3. The case of the petitioner is that the petitioner has joined the service as Junior Assistant on 01.12.1981 in the Co-operative Societies Department and retired as Secretary on 31.05.2003. When the petitioner retired from service, the monetary benefits were not settled in full and hence, he filed a claim petition before the Labour Court, Cuddalore under Section 33(C)(2) of the Industrial Disputes Act. The Labour Court by an order dated 09.01.2008 had dismissed the said



W.P.No.21920 of 2021

petition stating that, the petitioner is not a workman under the Act. The Auditor, who conducted the audit of the Society for the year 2003-04 had brought out serious irregularities in the functioning of the Society. Based on the report of the Auditor, a statutory inquiry under Section 82 of the Tamil Nadu Co-operative Society Act was ordered and after conducting enquiry, the Enquiry Officer submitted his report. Based on the recommendation of the Enquiry Officer, Surcharge Proceeding was initiated against the petitioner for the loss caused to the Society by him to the tune of Rs.88,305/-. Challenging the same, the petitioner filed a Civil Miscellaneous Appeal in C.M.A.No.16 of 2010 and the District Court, by an order dated 27.01.2011 set aside the order dated 20.10.2009 passed by the third respondent. Since the representation of the petitioner dated 29.02.2020 is not considered, the petitioner has filed a petition in W.P.No.5980 of 2021 and this Court by an order dated 09.03.2021, had disposed the said petition by directing the third respondent to consider the representation of the petitioner dated 29.02.2020 and pass appropriate orders in accordance with law. In pursuance of the direction of this Court, the representation of the petitioner was considered and appropriate orders were passed on 13.07.2021. Challenging the same, the present petition has been filed.



W.P.No.21920 of 2021

WEB COPY

4. The learned counsel for the petitioner would submit that the petitioner had repeatedly approached the third respondent by sending letters to settle his dues. Even though more than 17 years have been passed since his retirement, the petitioner is not able to get his dues from the third respondent. After the direction of this Court in W.P.No.5980 of 2021, the third respondent had rejected the same.

5. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner had statutory remedy to file a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, but the petitioner failed to avail that remedy and directly approached this Court by way of the present writ petition. In support of his contention, he also relied on the judgment of the Larger Bench of this Court in the case of *K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, reported in 2006 (4) CTC 689*.

6. In the light of the Larger Bench judgment in *K.Marappan's* case as stated supra, the writ petition is not maintainable



W.P.No.21920 of 2021

and hence, the same is dismissed. Consequently, connected

Miscellaneous Petition is closed. No costs.

14.08.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

vkr

To

- 1.The Secretary to Government,
Department of Co-operative Societies,
Fort St. George,
Chennai 600 009.
- 2.The Joint Registrar of Co-operative Societies,
Cuddalore Regional Officer,
Beach Road, Cuddalore 607 001.
- 3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of
Co-operative Societies (Cuddalore Circle)
Dhandapani Nagar, Semmandalam,
Cuddalore 607 001

VIVEK KUMAR SINGH. J.

vkr



WEB COPY



W.P.No.21920 of 2021

W.P.No.21920 of 2021 and
W.M.P.No.23130 of 2021

14.08.2024