



WEB COPY

W.P.No.2006 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.2006 of 2019

V.Radhakrishnan

.. Petitioner

vs

1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Fort St.George, Secretariat,
Chennai 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai -600 006.

3.The District Educational Officer,
Cheyyar, Thiruvannamalai District.

4.The Accountant General (A & E)
Anna Salai, Chennai -600 018.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of 3rd respondent in O.Mu.No.1597/A4/2017 dated 26.07.2017 and to quash the same and consequently direct the respondents to pass appropriate orders for counting the period of service rendered by the petitioner from 12.11.1993 in Cooperative Society and the period of service



rendered by the petitioner from 08.07.2003 till 28.02.2007 in Rural Development Department as pensionable services and consequently sanction the pensionary benefits including regular pension to the petitioner under Tamil Nadu Pension Rules with all consequential and other attendant benefits by taking note of 32 years of continuous service, within a time frame.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Mr.A.Bakiyalakshmi
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

2. By the present writ petition, the petitioner has assailed the action of the 3rd respondent in issuing proceedings in O.Mu.No.1597/A4/2017 dated 26.07.2017, whereby, his request to consider the services rendered by him in V.L.Special 148 Mullandiram Primary Agricultural Co-operative Societies, Arni Taluk, Thiruvannamalai District from 12.11.1983 to 07.07.2003 was refused to be considered for the purpose of pensionary benefits in terms of Tamil Nadu Pension Rules. The petitioner contends that since Co-operative



Society issues are governed by the provisions of Tamil Nadu Cooperative Societies Act 1983, the claim of the petitioner as Salesman in the aforesaid Society should also be reckoned for the purpose of pension and that the impugned proceedings rejecting the claim is thus, illegal and arbitrary.

3. Per contra, the learned Government Advocate appearing for the respondent submits that the Cooperative Society, in which, the petitioner has worked during the period 12.11.1983 to 07.07.2003 in a cooperative society formed by the Members under the Societies Act 1983 and the said Society cannot be equated to an instrumentality of the 'State' for the service rendered by the petitioner to be reckoned for the purpose of fixation of pensionary benefits.

4. Learned Government Pleader thus contend that since, the Tamil Nadu Pension Rules does not include the service rendered in a Cooperative Society to be included, the respondents Authorities have rejected the representation of the petitioner. Hence, he seeks for dismissal of the writ petition.



5. I have taken note of the contentions urged by the learned counsel on either side.

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6. At the outset, it is to be noted that the Co-operative Societies formed under the Cooperative Societies Act, 1983 cannot be considered as instrumentality of the 'State', though the said Society is governed by the Provisions, Rules and Regulations framed thereunder.

7. Further, the Co-operative Society is having been formed by its members cannot be given with the status of the 'State' in terms of Article 12 of the Constitution of India for the petitioner to claim services rendered for a period of 20 years to be reckoned as being with an instrumentality of the 'State' for grant of pensionary benefits. Inasmuch as, the disputes relating to Co-operative Society itself are not amenable to writ jurisdiction and such disputes have to be resolved by approaching the Registrar in terms of Sections 152 and 153 of Co-operative Societies Act 1983, the claim of the petitioner for his services rendered in the Society to be reckoned for the pensionary benefits cannot be placed on a higher pedestal by considering for it to be considered as being with instrumentality of the 'State'.



8. Thus, this Court is of the view that the writ petition as filed is devoid of merits and the impugned order rejecting the claim of the petitioner does not suffer from any error or infirmity.

9. Accordingly, the writ petition is dismissed. No order as to costs.

25.10.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

msv

To

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