



W.A(MD)No.1885 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.1885 of 2025
and
C.M.P(MD)No.10762 of 2025**

The Administrator,
A 1171, Allinagaram Primary Agricultural
Co-operative Credit Society Limited,
Allinagaram,
Theni.

... Appellant/3rd Respondent

VS.

1.V.Ganesan

... 1st Respondent/Writ Petitioner

2.The Joint Registrar,
Office of Joint Registrar of Co-operative Societies,
District Collectorate Premises,
Theni.

3.The Deputy Registrar,
Office of the Deputy Registrar of Co-operative Societies,
Periakulam Circle, Thenkarai,
Theni District.

.. Respondents 2 & 3/
Respondents 1 & 2



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4.The Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

5.The Secretary to Government,
Finance Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

6.The Registrar of Co-operative Society,
No.170, M.V.Natarajan Maaligai,
Periyar E.V.R.High Road,
Poonamallee High Road,
Kilpauk,
Chennai – 600 010.

... Respondents 4 to 6

(R – 4 to R – 6 are suo motu impleaded vide order
dated 10.07.2025 in W.A(MD)No.1885 of 2025)

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against
the order dated 21.04.2025 made in W.P(MD)No.10757 of 2025 on the file
of this Court.

For Appellant : Mr.P.Mahendran

For R – 1 : Mr.B.Kumaresan

For RR 2 to 6 : Mr.M.Sarangan
Additional Government Pleader



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JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The Writ Appeal has been instituted to assail the writ order dated 21.04.2025 passed in W.P(MD)No.10757 of 2025.

2.The third respondent in the Writ Petition, namely Allinagaram Primary Agricultural Co-operative Credit Society Limited, is the appellant before this Court. The first respondent/Mr.V.Ganesan, filed a Writ Petition seeking a direction against the respondents 2 and 3 herein to sanction and settle the petitioner's personal benefits like encashment of earned leave salary Rs.1,98,605/- EPF amount Rs.14,48,540/- and gratuity Rs.5,49,983/- salary due Rs.2,86,430/- totally comes to Rs.24,83,558/- with interest at the rate of 12% from 01.03.2023 based on the petitioner's representation dated 22.01.2025.

3.A direction against the respondents 2 and 3, who are the Government Officials of the Co-operative Department, is not maintainable.



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The first respondent, admittedly, was an employee of the appellant/ Co-operative Society. He was holding the post of Clerk. He is not a Government employee. Therefore, his service conditions are governed by the special bylaws framed under the Co-operative Societies Act.

4.A Writ Petition filed by an employee of a Co-operative Society against the Co-operative Society itself is not maintainable in view of the legal principles settled by the larger bench of the High Court of Madras in the case of ***K.Marappan Vs. the Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another [2006 (4) CTC 689]***.

5.In respect of the employees of the Co-operative Societies, they are governed under the bylaws. Thus, they have to exhaust the statutory remedies contemplated under the Tamil Nadu Co-operative Societies Act, 1983. The first respondent ought to have preferred a revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 before the second respondent, who is the competent authority to adjudicate the issues. The writ



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Court cannot adjudicate the issues regarding settlement of terminal benefits due to the Co-operative Society employees.

6.That apart, the issues require an adjudication on merits which cannot be undertaken by the writ Court. Therefore the first respondent is at liberty to file a revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983.

7.In view of the above position, the writ order impugned dated 21.04.2025 passed in W.P(MD)No.10757 of 2025 is set aside and the Writ Appeal is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S.,J.] & [G.A.M.,J.]
28.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

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- 2.The Joint Registrar,
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- 4.The Secretary to Government,
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ORDER MADE IN
W.A(MD)No.1885 of 2025

DATED : 28.08.2025