

W.P.(MD) No.14354 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.14354 of 2017

and

W.M.P.(MD)No.11249 of 2017

Mr.L.Michael Joseph Raj,
S/o.Lourdu samy,
No-4/172B/2, Second Street,
Muthammal Colony,
Tuticorin – 628 002,
Tuticorin District.

... Petitioner

Vs.

1. The Registrar of Co-op Societies,
No.170, E.V.R. Periyar High Road,
Kilpuk, Chennai – 600 010.

(R1 is deleted vide Court order dated
23.09.2024 in WMP(MD)No.18356/2024
in WP(MD)No.14354/2017 by AQJ)

2. The Management,
The Palani Co-operative Primary Agricultural &
Rural Development Bank,
rep. by its President / Managing Director,
Anna Nagar, R.S.Road, Palani – 624 601,
Dindigul District.

... Respondents

PRAYER in W.P.:

To issue a Writ of Certiorarified Mandamus to call for the records
pertaining to the impugned order dated 11.05.2017 on the file of the



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Respondent No.2 and quash the same as illegal and consequently direct the Respondents to disburse the terminal benefits to the tune Rs.2,83,340/- in terms of interest at the rate of 12% p.a. from the date of retirement of the petitioner such as gratuity, provident fund, earned leave and all other accrued benefits within the time period stipulated by this Hon'ble Court and pass any further or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER in W.M.P:

To dispense with the production of the original copy of the impugned order dated 11.05.2017 on the file of the Respondent No.2 for the present and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Ms.Rohini, Advocate
for M/s.T.Lajapathi Roy and Associates

For Respondents : Mr.S.Seenivasagam, Advocate for R2
R1 - Deleted

J U D G M E N T

Heard.

2. The petitioner, a retired employee of the second respondent - Co-operative Society, seeks a writ of certiorarified mandamus to quash the

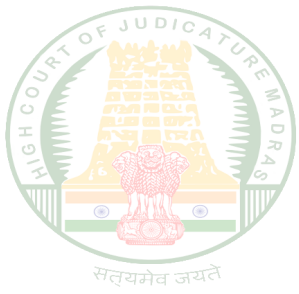


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order dated 11.05.2017 and for a consequential direction to disburse the balance terminal benefits amounting to Rs.2,83,340/- with interest from the date of retirement on 30.04.2005.

3. The petitioner's grievance relates to non-payment of certain retirement benefits, which he claims were wrongfully withheld on the ground that his benefits were to be computed under G.O.Ms.No.186, Co-operation, Food & Consumer Protection Department, dated 16.08.2000 instead of the 12 (3) settlement of 1998 under the Industrial Disputes Act. The impugned communication was issued by the second respondent-bank, which is a primary co-operative society registered under the Tamil Nadu Co-operative Societies Act, 1983.

4. The maintainability of the writ petition is squarely governed by the decision of the Full Bench of this Court in ***K. Marappan v. Deputy Registrar of Co-operative Societies***, reported in ***2006 (4) CTC 689***, which authoritatively held that a writ petition under Article 226 of the Constitution of India is not maintainable against a Co-operative Society, unless the action impugned is that of a statutory authority or there is violation of a statutory duty.

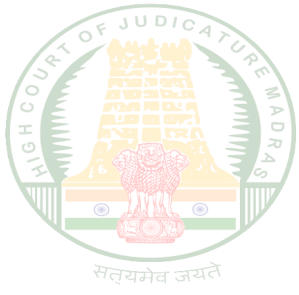


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5. In the present case, the relief is directed entirely against the second respondent-Co-operative Bank. The impugned order dated 11.05.2017 is not a quasi-judicial decision issued by a statutory authority, but merely a response from the Bank pursuant to the petitioner's representation. There is no statutory violation or public duty enforceable under writ jurisdiction that has been pleaded or established against the first respondent.

6. The Hon'ble Supreme Court in ***K. Alagarsamy v. The Registrar of Co-operative Societies, Civil Appeal No. 7574 of 2019 (arising out of SLP(C) No. 27299 of 2018)***, considered a factually similar claim against a Co-operative Society. While the Supreme Court protected the employee from recovery proceedings, it expressly declined to decide the legal issue of maintainability under Article 226 of the Constitution of India. Consequently, the principle laid down in ***Marappan*** remains binding and governs the present case.



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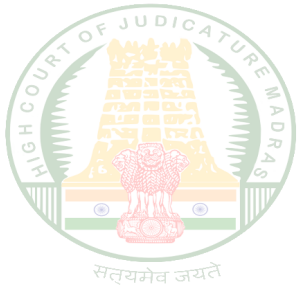
7. In light of the above, the writ petition is not maintainable and is accordingly dismissed. The petitioner is at liberty to seek appropriate remedy if any in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS

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Judgment made in
W.P. (MD) No.14354 of 2017

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