



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2015

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WRIT PETITION (MD) No.19060 of 2014
& MP(MD)No.1 of 2014

K.Palanichamy

... Petitioner

-vs-

1 THE STATE OF TAMILNADU
REP. BY ITS DEPARTMENT OF ANIMAL HUSBANDRY,
FISHERIES AND DAIRY DEVELOPMENT,
SECRETARIAT, CHENNAI-9.

2. THE COMMISSIONER
MILK PRODUCTION AND DAIRY DEVELOPMENT,
MILK COLONY, MATHAVARAM, CHENNAI-51.

3. THE GERNERAL MANGER
MADURAI DISTRICT CO-OPERATIVE
MILK PRODUCTS UNION LTD.,
SATHAMANGALAM, MADURAI-20.

4. THE DEPUTY REGISTRAR (DAIRY),
DAIRY DEVELOPMENT OFFICE,
A.I CENTRE, AAVIN COMPLEX,
SATHAMANGALAM, MADURAI-20.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ in the nature of Mandamus, directing the respondents to consider the retirement age of the petitioner as 60 as per the category of Office Assistant and consequently direct the respondents to permit the petitioner to continue his service till the age of 60.

For Petitioner : Mr.T.Lajapathi Roy

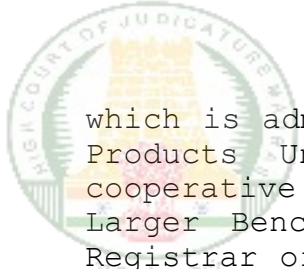
For R1, R2 & R4 : Mr.S.Kumar
Addl. Govt. Pleader

For R3 : Mr.S.Bharathi

O R D E R

The petitioner has come forward with this writ petition, seeking a direction to the respondents to consider the retirement age of the petitioner as 60 as per the category of Office Assistant and consequently direct the respondents to permit the petitioner to continue his service till the age of 60.

2. Even though a direction is sought by the petitioner against all the respondents in the prayer, a reading of the affidavit would clearly show that since the petitioner is working as Mazdoor in the office of the third respondent, his case has to be necessarily considered by them only,



which is admittedly a Society, namely, Madurai District Co-Operative Milk Products Union Ltd., Sathamangalam, Madurai. The writ against the cooperative society is not maintainable in view of the decision of the Larger Bench of this Court in the case of K.Marappan Vs. The Deputy Registrar of Co-operative Societies Namakkal Circle, Namakkal-636 001 and another reported in 2006 (4) CTC 689.

3. Therefore, this writ petition is dismissed as not maintainable. The petitioner, if so advised, can avail alternative remedy in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To:

- 1 THE SECRETARY TO STATE OF TAMIL NADU,
DEPARTMENT OF ANIMAL HUSBANDRY,
FISHERIES AND DAIRY DEVELOPMENT, SECRETARIAT, CHENNAI-9.
2. THE COMMISSIONER, MILK PRODUCTION AND DAIRY DEVELOPMENT,
MILK COLONY, MATHAVARAM, CHENNAI-51.
3. THE GERNERAL MANGER
MADURAI DISTRICT CO-OPERATIVE
MILK PRODUCTS UNION LTD.,
SATHAMANGALAM, MADURAI-20.
4. THE DEPUTY REGISTRAR (DAIRY),
DAIRY DEVELOPMENT OFFICE, A.I CENTRE, AAVIN COMPLEX,
SATHAMANGALAM, MADURAI-20.

+1cc to MR.T.LAJAPATHI ROY, ADVOCATE IN SR : 20697

+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 20714

Ar

SR/KBM : 11.05.2015 : 2p/7c

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