

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.26813 of 2016

M.K.Rajendran

... Petitioner

Vs.

- 1.The Commissioner for Milk Production & Dairy Development,
Madhavaram Milk Colony,
Chennai-600 051.
- 2.The Deputy Milk Commissioner
Dairy Development Department,
Madhavaram Milk Colony,
Chennai-600 051.
- 3.The Deputy Registrar (Dairying),
Perambalur.
- 4.The President,
TRD 917 Sirukudal Milk Producers' Co-op Society,
Sirukudal, Kunnam Taluk,
Perambalur District,
Pin-621 115.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for all the connected records in the issuance of the impugned order dated 21.05.2016 of the 4th respondent and to quash the same; consequently, to direct the authority concerned (here 4th respondent who is acting as President by an interim order of this Court), to reinstate the petitioner back in service as Secretary of the Society, Sirukudal Milk Producers Co-operative Society, Sirukudal to take retrospective effect from 26.09.2015 (Date of suspension) with all the attendant benefits such as treating it on duty for the entire period of his suspension commencing from 26.09.2015 to the date of reinstatement with continuity in service with increments etc., which fell due during the period of suspension.

For Petitioner : Mr.A.L.Namasivayam
For respondents : Mr.T.Girija, GA (For R1 to R3)
Mr.T.Sundaravadanam (For R4)

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Certiorarified Mandamus, to call for the enteri records pertaining to the impugned order dated 21.05.2016 issued by the 4th respondent and to quash the same and consequently, to direct the 4th respondent to reinstate the petitioner into service as Secretary of the Society, Sirukudal Milk Producers Co-operative Society, Sirukudal, with retrospective effect from 26.09.2015 (Date of suspension), with all the attendant benefits.

2.When the matter is taken up for consideration, the learned counsel appearing for the 4th respondent submitted that the present writ petition has been filed challenging the suspension order passed by the 4th respondent and as against the impugned order, the petitioner ought to have filed a revision under Section 153 of the Tamil Nadu Co-operative Societies Act; but without doing so, the petitioner has filed the present writ petition.

3.The learned counsel for the petitioner has also agreed for the submission made by the learned counsel appearing for the 4th respondent that as against the impugned order, there is a provision for filing Revision before the concerned authority.

4.In view of the submission made on either side, the petitioner is directed to file a Revision before the concerned authority, within a a period of two weeks from the date of receipt of a copy of this order. On filing such Revision, the authority concerned shall entertain and dispose of the same, purely on merits and in accordance with law, within a period for four weeks thereafter. Further, the petitioner is at liberty to raise all his contentions, which were raised in the present writ petition, before concerned authority.

With the above terms, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner for Milk Production &
Dairy Development,
Madhavaram Milk Colony,
Chennai-600 051.

2.The Deputy Milk Commissioner
Dairy Development Department,
Madhavaram Milk Colony,
Chennai-600 051.

3.The Deputy Registrar (Dairying),
Perambalur.

4.The President,
TRD 917 Sirukudal Milk Producers' Co-op Society,
Sirukudal, Kunnam Taluk,
Perambalur District,
Pin-621 115.

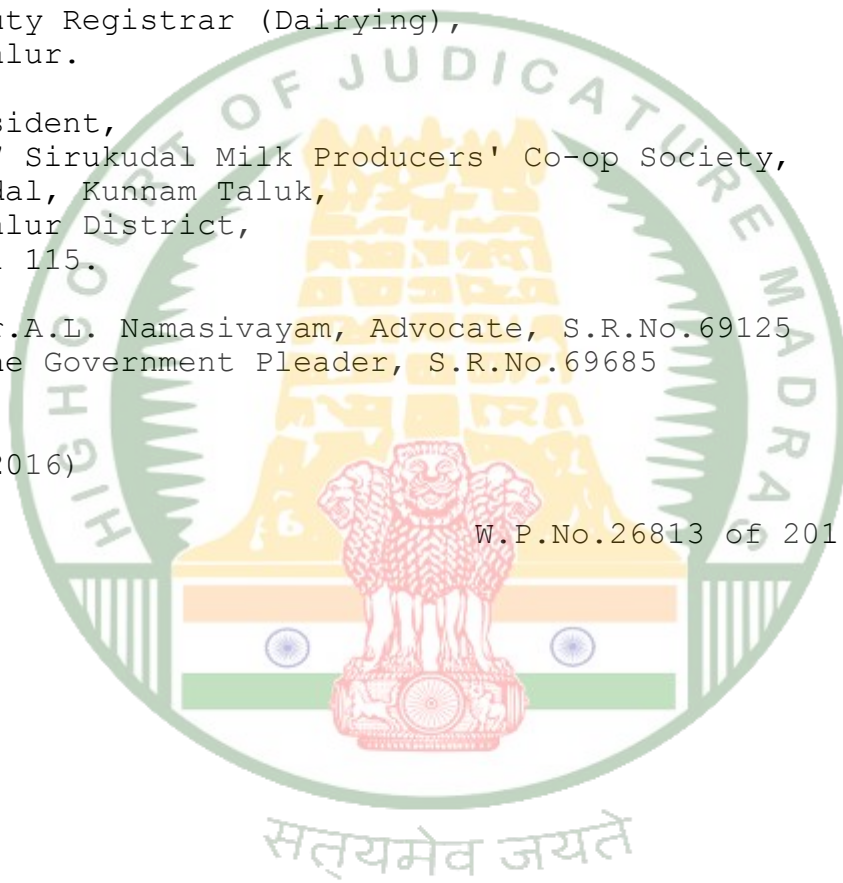
+2cc to Mr.A.L. Namasivayam, Advocate, S.R.No.69125

+1cc to the Government Pleader, S.R.No.69685

rv(CO)

md(15/12/2016)

W.P.No.26813 of 2016



WEB COPY