

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.27461 of 2017

V.Meganathan

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Petitioner

Vs

1. The Secretary to Government,  
Agriculture Department,  
Fort St. George,  
Chennai - 600 009.
2. The Ex.Officio President and Director  
of Horticulture,  
Tamilnadu Horticulture Producers,  
Co.Operative Enterprises Ltd., (TANHOPE),  
Chepauk, Chennai-600 005.
3. The President,  
Tamilnadu Horticulture Producers,  
Co.Operative Enterprises Ltd., (TANHOPE),  
Chepauk, Chennai-600 005. ...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents herein to implement the resolution No.7/13 passed in general body meeting of TANHOPE to fix the petitioner's monthly salary as time scale pay from the date of appointment 05.12.1995 with arrears.

For Petitioner : Mr. S.Venugopal  
For Respondents : Ms.V.Jayaprakash Narayanan,  
Special Government Pleader.

ORDER

The petitioner has filed this petition for a writ of mandamus directing the respondents to implement the resolution No.7/2013 passed in the general body meeting of TANHOPE and to fix the petitioner's monthly salary as time scale pay from the date of appointment on 05.12.1995 with all arrears.

2. If the petitioner, on the basis of a resolution has been passed in the meeting of the General Body of Tamilnadu Horticulture Producers Co-Operative Enterprises Ltd., seeks for fixation of time scale of pay, then petitioner has to work out his remedy by moving an appropriate application before the appropriate authority and not before this Court by filing a petition for direction.

3. Filing of a writ petition is not the way open to the petitioner to enforce a legal remedy, which is not available to him. Therefore, it is for the petitioner to work out his remedy in a manner known to law and not by way of filing a writ petition.

4. In such view of the matter, this writ petition is dismissed on the ground of availability of alternative remedy. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN/msvm

To

1. The Secretary to Government,  
Agriculture Department,  
Fort St. George, Chennai - 600 009.
2. The Ex.Officio President and Director  
of Horticulture,  
Tamilnadu Horticulture Producers,  
Co.Operative Enterprises Ltd., (TANHOPE),  
Chepauk, Chennai-600 005.
3. The President,  
Tamilnadu Horticulture Producers,  
Co.Operative Enterprises Ltd., (TANHOPE),  
Chepauk, Chennai-600 005.

+1cc to Government Pleader, in sr.no.76392

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CS/04/12/17