

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.03.2017
CORAM

THE HONOURABLE Mr.JUSTICE. S.M.SUBRAMANIAM

W.P.NO.15295 OF 2004

The Anaimalai Desia Thozhil Sanga Congress
(Regn. No. 171CBE) INTUC,
Kamaraj Bhavan,
Valparaj - 642 127
rep. by its General Secretary R.Chellasley. ...Petitioner

Vs.

The Management of Parry Agro Industries Ltd.,
Estates' Administration Office,
Iyerpadi Post, Pin - 642 108
Coimbatore District,
rep. by General Manager (Plantation). ...Respondent

Prayer:-The Writ petition is filed under Article 226 of the Constitution of India prayed that this Court may be pleased to issue a writ order or direction in the nature of WRIT OF CERTIORAFIED MANDAMUS calling for the records pertaining to the Order of Dismissal in EAO/PD/0264/2004 dated 13.05.2004 passed by the respondent and QUASH the same and further direct the respondent herein to reinstate Smt.Anitha (PF No.2356) in service with full backwages, continuity of service and all other attendant benefits.

For petitioner: Mr.S.N.Ravichandran

For respondent: Mr.S.Haroon A.L.Rooheed for
T.S.Gopalan &Co

O R D E R

The writ petition is filed by the Anaimalai Desia Thozhil Sanga Congress.

The writ petitioner has challenged the order of dismissal passed by the respondent/management dated 13.05.2004. The respondent is the Management of Parry Agro Industries Ltd., having its Administrative Office at Coimbatore.

The learned counsel for the petitioner submits that some employees were already reinstated. Contradicting the same, the learned counsel for the respondent submitted that the writ petition itself is not maintainable. In lieu of the legal principles laid down by the Honourable Supreme Court of India in the case reported in Benny Limited v. V.Sadasivam & Anr in Civil Appeal No.1976 of 1998 dated 08.08.2005. The respondent being a private management and not being a state within the meaning of Article 12 of the Constitution of India. The writ petitioner cannot maintain a writ petition against the respondent.

Such being the legal principle laid down by this Court as well as the Hon'ble Supreme Court of India. The present Writ Petition deserves no merit consideration and accordingly dismissed. No cost.

-s/d-
Assistant Registrar(Csv)

True Copy

Sub-Assistant Registrar

+1 cc to Mr.S.M.Ravichandran Advocate sr 18905
+1 cc to M/s.T.S.Gopalan & Co Advocate sr 18867

सत्यमेव जयते

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