



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD)No.209 of 2017

and

C.M.P. (MD) .No.2130 of 2017

The President,
Q-426, Paramakkudi Milk
Producer's Corporation-Operative Society Ltd.,
Gandhi Road, Paramakudi Town,
Ramanad Taluk,
Ramnad District. ... Appellant

Vs.

1.Narayanan

2.The Registrar of Milk Producer's
Co-Operative Societies Cum
The Commissioner for Milk Production
and Dairy Development,
Madhavaram Mild Colony,
Madhavaram, Chennai. ... Respondents

PRAYER: Writ Appeal is filed under Clause XV of Letters Patent,
against the order passed by this Court in W.P.(MD)No.20678 of
2016 dated 26.10.2016.

Prayer in WP(MD). 20678/ 2016 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Mandamus directing the Respondents to permit the Petitioner to
join the services as Chief Milk Vendor in the Respondent society
by considering his representation dated 14.09.2016.

For Appellant : Mr.S.A.Ajmalkhan
For Respondent-1 : Mr.R.Murali

J U D G M E N T

[Judgment of the Court was delivered by T.S.SIVAGNANAM,J.]

The writ appeal has been filed against the order passed by
this Court in W.P. (MD)No.20678 of 2016, dated 26.10.2016.



2. Heard the learned counsel for the appellant and the learned counsel for the respondents.

3. The appellant is a Co-operative Society, which is aggrieved by the order passed by this Court in W.P.(MD).No.20678 of 2016, dated 26.10.2016, filed by the first respondent herein. The first respondent sought for an innocuous relief of permitting him to join the services as Chief Milk Vendor in the appellant Society. The Court heard only the counsel for the Registrar of Milk Producer's Co-operative Societies, but did not issue notice to the appellant Society and disposed of the Writ Petition by directing the consideration of the first respondent's representation, in the light of the fitness certificate which the first respondent produced. It appears that pursuant to that he has joined duty, but salaries and other allowances have not been disbursed to the first respondent. The appellant Society is before this Court by way of this appeal contending that the first respondent is guilty of having suppressed the fact that he was placed under suspension and he has received subsistence allowance from 17.08.2015 to 31.03.2016 and without bringing to the notice of this Court about the same and without challenging the order of suspension, the first respondent sought for an innocuous relief and the writ petition was disposed of without notice to the appellant.

4. Thus, we find that by virtue of an order permitting the first respondent to join duty, will not absolve him of the delinquency committed. Therefore, merely because the first respondent has joined duty that does not mean that the appellant Society cannot proceed with the disciplinary action. Therefore, we dispose of this appeal by clarifying that the appellant Society are entitled to proceed with the disciplinary action initiated against the first respondent in accordance with law. Accordingly, this writ appeal is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

5. It is needless to state that if the first respondent is working as of now, the admissible salary shall be paid by the appellant Society, in the event, the first respondent had attended the duties and responsibilities assigned to him by the appellant Society.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar



akv
akv/psd
To

The Registrar of Milk Producer's
Co-Operative Societies Cum
The Commissioner for Milk Production
and Dairy Development,
Madhavaram Mild Colony,
Madhavaram, Chennai.

GJM/MSA/SAR-3-10.5.17-3p-2c

W.A. (MD) No.209 of 2017
25.04.2017