



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 20.06.2017**

**CORAM:**

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**

**AND**

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.A. (MD) No.626 of 2017**

**and**

**C.M.P(MD) .No.5201 of 2017**

- 1) The General Manager,  
Aavin, Madurai Distric Cooperative  
Milk Producer's Society Ltd.,  
Milk Cold Storage Station,  
Madurai - 625 020.
- 2) The Commissioner,  
Dairy Milk Production & Development Department, Chennai.
- 3) Madurai District Cooperative Milk  
Producer's Society Ltd.,  
Milk Cold Storage Station,  
K2, Industrial Estate, Theni. ... Appellants

Vs.

- 1) S.Balasubramanian
- 2) The Inspector of Factories,  
Theni. ... Respondents

**PRAYER :-** Appeal has been filed under clause 15 of the letters patent, to set aside the impugned order passed by the learned Judge in W.P.No.2741 of 2011, dated 27.01.2014.

Prayer in WP(MD). 2741/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents 3 and 4 herein to give effect to the order of regularization passed by the 2nd respondent vide proceedings No. A. 1241/09 dated 29/12/2008 in accordance with law with all benefits accrued to the service of the petitioner, within a reasonable time.

For Appellants  
<https://hcservices.ecourts.gov.in/hcservices/>

: Mr.V.Muruganantham,  
Addl. Govt. Pleader.  
For Respondents : Mr.K.Appadurai for R1

**JUDGMENT**

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

Heard Mr.V.Muruganantham, learned Additional Government Pleader appearing for the appellants and Mr.K.Appadurai, learned counsel appearing for the first respondent.

2.The first respondent / writ petitioner had approached the writ Court by filing the writ petition in the year 2011 to give effect to the order of regularization passed by the Inspector of Factories, Theni vide order, dated 29.12.2008.

3.The writ petition was pending before this Court and finally disposed of in the year 2014 by the impugned order. In the interregnum, the appellants had challenged the order passed by the Inspector of Factories by filing W.P.(MD).5665 of 2011, which was dismissed on 01.03.2017.

4.The learned counsel appearing for the first respondent would submit that, till date the writ petitioner has not received any notice on appeal being filed as against the said order. As long as the order passed in the writ petition stands, it goes without saying that the appellants have to implement the order passed by the Inspector of Factories and there is no way of escaping from such an order. In fact, the writ Court noted that non compliance of the order would result in prosecution being initiated against the higher officials of the Appellants Society, namely, the Managing Director or General Manager.

5.Thus, for all the above reasons, we find no good grounds to entertain this appeal at the instance of the appellants. Accordingly, the writ appeal fails and the same is dismissed. The appellants are granted 60 days from the date of receipt of copy of this order to comply with the order passed by the Inspector of Factories, Theni. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1) The General Manager,  
Aavin, Madurai Distric Cooperative  
Milk Producer's Society Ltd.,  
Milk Cold Storage Station,  
Madurai - 625 020.



2) The Commissioner,  
Dairy Milk Production & Development Department,  
Chennai.

3) Madurai District Cooperative Milk Producer's Society Ltd.,  
Milk Cold Storage Station,  
K2, Industrial Estate, Theni.

4) The Inspector of Factories, Theni.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 61199.

SKM/ARUL

PSM/MR/SAR1/30.06.2017/3P/6C

**W.A. (MD) Nos.626 of 2017**  
**and**  
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