

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.A.No.1187 of 2018 and CMP.No.9509 of 2018

Swaminathan Appellant/petitioner

Vs

1. The Secretary,
Department of Co-operation,
Government of Tamil Nadu,
Chepauk, Chennai-5.
2. The General Manager,
Coimbatore District Co-operative Milk
Producers Union Limited,
Pachapalayam,
Kalampalayam Post,
Coimbatore-641 016. Respondents/Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 28.04.2018 made in W.P.No.11404/2018.prayer to issue a Writ of Certiorified Calling for the records relating to the employment notification Advertisement No.4545/ ESTT/I/2018 dated 07.02.2018 issued by the second respondent to quash the same

For Appellant :: Mr.C.Deivasigamani

For Respondents :: Mr.L.P.Shanmugasundaram,
Special Government Pleader

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JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH,
J.)

The Writ Appeal is directed against the order dated 28.04.2018 made in W.P.No.11404/2018 by a learned Single Judge.

2. The Writ Petition has been filed challenging the Employment Notification Advertisement No.4545/ESTT/1/2018 dated 7.2.2018 issued by the 2nd respondent and to quash the same. The learned Single Judge, after hearing both sides, dismissed the said writ petition as not maintainable with the cost of Rs.25,000/-. Aggrieved over the same, the writ petitioner is before this Court with this Writ Appeal.

3. Heard the learned Counsel for the appellant and the learned Special Government Pleader appearing for the respondents.

4. At the outset, it is relevant to extract paragraph 10 of the order of the learned Single Judge hereunder:

'10. The learned Counsel, appearing on behalf of the writ petitioner, made a submission that the earlier writ petition was filed against the General Manager, Coimbatore District Co-operative Milk Producers Union Limited and the present Writ Petition has been filed wherein the Department of Co-operation also has been impleaded as the 1st respondent in the writ petition and therefore, there is change in the writ petition. Such a submission of the learned counsel for the writ petitioner deserves to be rejected at the outset in view of the fact that merely impleading yet another respondent another writ petition with the same prayer by challenging the very same notification by the very same writ petitioner cannot be filed....'

5. In view of the above, we find no infirmity in the order of the learned Single Judge dated 28.4.2018. Therefore, we hereby uphold the order of the learned Single Judge that the Writ Petition is not maintainable. So far as the cost portion is concerned, by taking a lenient view, the same is ordered to be deleted.

6. With the above modification, the Writ Appeal is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS ix)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Secretary,
Department of Co-operation,
Government of Tamil Nadu,
Chepauk, Chennai-5.
2. The General Manager,
Coimbatore District Co-operative Milk
Producers Union Limited,
Pachapalayam,
Kalampalayam Post,
Coimbatore-641 016.

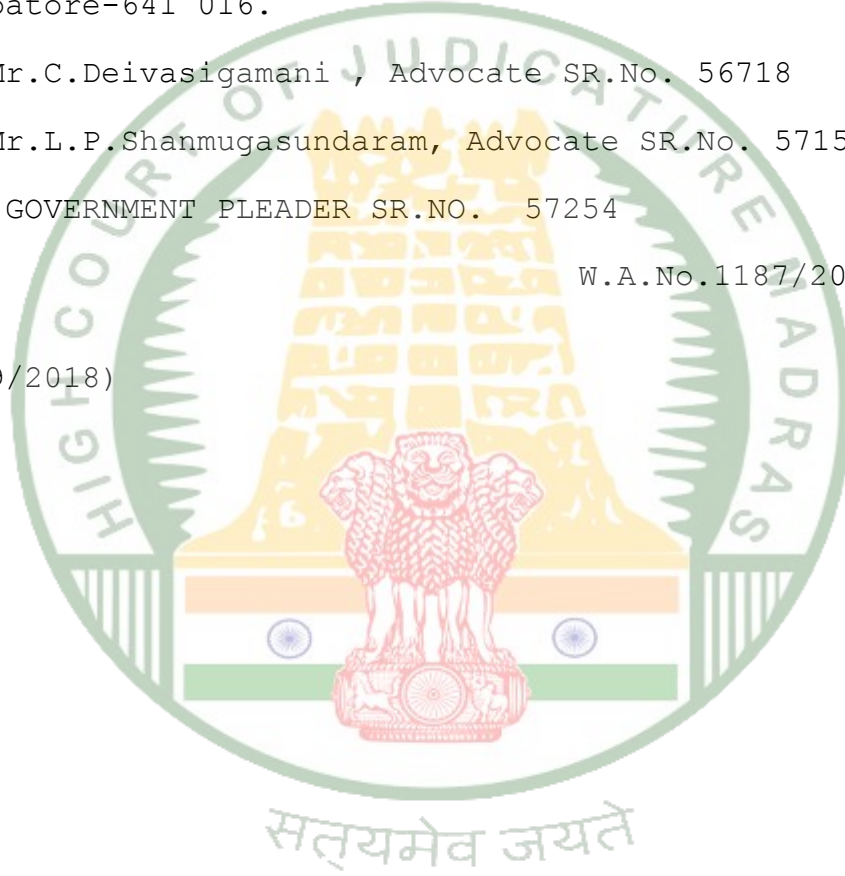
+1cc to Mr.C.Deivasigamani , Advocate SR.No. 56718

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No. 57154

+1 CC TO GOVERNMENT PLEADER SR.NO. 57254

W.A.No.1187/2018

GJ II(CO)
ASK(11/09/2018)



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