



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM
AND

THE HONOURABLE MRS. JUSTICE R. THARANI

W.A. (MD) No. 402 of 2018

K. Palanichamy

: Appellant/Petitioner

Vs.

1. The State of Tamilnadu rep by its
Department of Animal Husbandary, Fisheries
and Dairy Development,
Secretariat,
Chennai - 9.

2. The Commissioner,
Milk Production and Dairy Development,
Milk Colony,
Mathavaram,
Chennai - 51.

3. The General Manager,
Madurai District Cooperative Milk Products Union Limited,
Sathamangalam,
Madurai - 20.

4. The Deputy Registrar (Dairy),
Dairy Development Office,
A.I. Centre, Aavin Complex,
Sathamangalam,
Madurai - 20.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under clause 15 of the Letters Patent, against the order dated 21.04.2015 passed by the learned Single Judge in W.P. (MD) No. 19060 of 2014.

Prayer in WP (MD). 19060/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus to direct the respondents to consider the retirement age of the petitioner as 60 as per the category of Office Assistant and consequently direct the respondents to permit the petitioner to continue his service till the age of 60 and pass such further order or orders.



For Appellant : Mr.C.Jeganathan
For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

WEB COPY

JUDGMENT

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

Heard Mr.C.Jeganathan, learned counsel appearing for the appellant and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

2.By consent this Writ Appeal itself is taken up for final disposal at the stage of admission itself.

3.This Writ Appeal is directed against the order dated 21.04.2015 passed in W.P.(MD) No.19060 of 2014.

4.The learned counsel appearing for the appellant contented that the petitioner is entitled to continue till the age of 60 years as he was working in a post where the age of retirement is 60 years.

5.The Writ Court though found that the petitioner was working as a Mazoor with the third respondent and his case has to be necessarily considered by the respondents held that the Writ Petition is not maintainable in the light of the Larger Bench of this Court in the case of **K.Marappan v. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal - 636 001 and another** reported in **2006 (4) CTC 689**.

6.During the pendency of this appeal the appellant has reached the age of 60 years in April, 2017. Therefore, at this juncture, to issue any positive direction would not be proper. However, considering the observation made by the Writ Court, we give liberty to the appellant to submit a fresh application to the third respondent along with a copy of this order setting out his grievances within a period of two weeks from the date of receipt of a copy of this order, which shall be considered by the third respondent on merits and in accordance with law within a period of eight weeks from the date of receipt of the application.

7.With the above observations, this Writ Appeal stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary,
Department of Animal Husbandary, Fisheries
and Dairy Development,
State of Tamilnadu,
Secretariat, Chennai - 9.
2. The Commissioner,
Milk Production and Dairy Development,
Milk Colony,
Mathavaram, Chennai - 51.
3. The General Manager,
Madurai District Cooperative Milk Products Union Limited,
Sathamangalam,
Madurai - 20.
4. The Deputy Registrar (Dairy),
Dairy Development Office,
A.I. Centre, Aavin Complex,
Sathamangalam,
Madurai - 20.

SJ

VB/SV/MMS/SAR2/28.03.2018/3P/5C

ORDER MADE IN
W.A. (MD) No. 402 of 2018
Dated: 08.03.2018