



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P (MD) No. 12072 of 2018

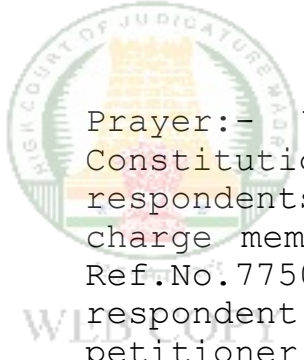
S. Ilayaraja,
Director / Board Member,
(A1301, Madurai District Milk Producers
Co-operative Union),
Pradikaranpatti,
Aundipatti,
Theni District.

... Petitioner

Vs.

1. The Secretary,
Animal Husbandry,
Dairying and Fisheries Department,
St. George Fort,
Chennai.
2. The Registrar-cum-Managing Director (Dairying),
Aavin Illam,
Madhavaram Milk Colony,
Chennai - 600 051.
3. The Deputy Registrar (Dairying),
Madurai Aavin Complex,
Madurai.
4. The General Manager,
A1301, Madurai District Milk Producers
Co-operative Union (Aavin),
Sathamangalam,
Madurai.
5. M. Mariappan,
Deputy Manager,
Dairy Engineering,
A1301, Madurai District Milk Producers
Co-operative Union (Aavin),
Sathamangalam,
Madurai.

... Respondents



Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to conduct enquiry with respect to three charge memos bearing Ref.No.7748/IR/2017, Ref.No.7749/IR/2017 and Ref.No.7750/IR/2017 issued by the fourth respondent to the fifth respondent and take necessary action forthwith on the basis of the petitioner's representation dated 15.05.2018 within a stipulated time fixed by this Court.

For Petitioner : Mr.A.Mithun Chakravarthi

For Respondents : Mr.D.Muruganandham,
Additional Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents 1 to 3 herein to conduct enquiry with respect to three charge memos bearing Ref.No.7748/IR/2017, Ref.No.7749/IR/2017 and Ref.No.7750/IR/2017 issued by the fourth respondent to the fifth respondent and take necessary action forthwith on the basis of the petitioner's representation dated 15.05.2018, within a stipulated time that may be fixed by this Court.

2. Heard Mr.A.Mithun Chakravarthi, learned counsel appearing for the petitioner and Mr.D.Muruganandham, learned Additional Government Pleader appearing for respondents 1 to 4.

3. Since no adverse order is going to be passed against the fifth respondent, notice to the fifth respondent is dispensed with.

4. The learned counsel appearing for the petitioner would submit that the petitioner is a Director / Board Member of A1301, Madurai District Milk Producers Co-operative Union. According to the learned counsel for the petitioner, that a complaint has been given by way of representation on 15.05.2018 making allegation against the fifth respondent, who is the Deputy Manager, Dairy Engineering of the said Milk Producers Co-operative Union. Since the respondents 1 to 3 had not acted upon as per the request made by the petitioner, he has approached this Court by way of the present Writ Petition with the aforesaid prayer.

5. The petitioner admittedly is a Director / Board Member of A1301, Madurai District Milk Producers Co-operative Union. He is not personally aggrieved over the service disputes with anyone. The grievance expressed by the petitioner either through the said representation dated 15.05.2018 or through the present Writ



Petition is not a service dispute between the petitioner and anyone. Therefore, this Court is of the *prima facie* view that the petitioner cannot maintain this Writ Petition invoking Article 226 of the Constitution of India pressing this Writ Petition as a service dispute.

WEB COPY

6. In this regard, the learned Additional Government Pleader appearing for the official respondents brought to the notice of this Court about the order passed by a learned Judge of this Court in similar circumstances in W.P(MD)No.5404 of 2018 in the matter of *V.P.Ammavasai vs. The Deputy Registrar(Dairying), Madurai Aavin Complex, Madurai and two others*.

7. I have gone through the said order passed by the learned Judge of this Court where also a similar issue was taken up for consideration and the learned Judge has passed the following order:

"The petitioner is an elected board member of the second respondent society. According to the petitioner, the third respondent had committed certain acts of delinquency. Therefore, the petitioner has given a representation for taking action against the third respondent. Since no action has been taken by the first and second respondents, the present writ petition has been filed.

2.The writ petitioner's rights are in no way infringed. The third respondent is an employee of the second respondent. Whether to take action against the third respondent or not, ought to be left to the discretion of the concerned management.

3.Admittedly, the writ petitioner is a part of the management. It is for him to raise the matter during the board meeting. Therefore, he cannot maintain a Writ of Mandamus in this regard. Absolutely, the petitioner has no locus standi, whatsoever to come before this Court. The writ petition is accordingly dismissed as not maintainable. No costs."

8. Here also, the present petitioner is similarly placed as he has also brought in an issue, which is neither a service dispute nor connected with the service conditions of the petitioner and therefore, the petitioner has no locus to maintain this Writ Petition, especially, under the category of service dispute and therefore, this Writ Petition, in the opinion of this Court, is liable to be rejected at the admission stage itself.



9. In view of the above, this Writ Petition is dismissed.
No Costs.

Sd/-

Assistant Registrar(T&P)

WEB COPY

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary,
Animal Husbandry,
Dairying and Fisheries Department,
St. George Fort,
Chennai.
2. The Registrar-cum-Managing Director(Dairying),
Aavin Illam,
Madhavaram Milk Colony,
Chennai - 600 051.
3. The Deputy Registrar(Dairying),
Madurai Aavin Complex,
Madurai.
4. The General Manager,
A1301, Madurai District Milk Producers
Co-operative Unioon (Aavin),
Sathamangalam,
Madurai.

+ 1 cc TO Mr.A.Mithun Chakravarthi , Advocate in SR No. 67303

pm

AE/SB/SAR3/19.06.2018/4P/6C

W.P(MD)No.12072 of 2018
07.06.2018