



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 13.11.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.15877 of 2018

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Tamil Nadu Kooturavu Matrum Podhu Thurai
Sarkarai Aalai Oozhiyargal Peravai,
Represented by its General Secretary,
N. Velavan,
No.97/2, Killankadu,
Sethiyathope Post,
Buvanagiri Taluk,
Cuddalore District.

..Petitioner

vs

1. The Commissioner of Sugars,
No. 690, Annasalai,
Nandanam,
Chennai -600 035.

2. The Administrator,
M.R.K. Cooperative Sugar Mills,
Sethiyathope, Buvanagiri Taluk,
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or direction or order in like nature directing the respondents to implement the order dated 19.07.2005 in Na.Ka.No.13293/Sa.Tho.2/2005 and order dated 24.08.2005 in Na.Ka.No.13293/Sa.Tho.2/2005 passed by the regard with 1st respondent to the year 2018-2019 and consequently, further direct the respondents to continue the same proceedings for the future commencing years.

For Petitioner : Mr. B. Ramprabu

For Respondents : Mrs. T. Girija,
Government Advocate
(Co-op) for R1
Mr. V. Venkadasalam for R2



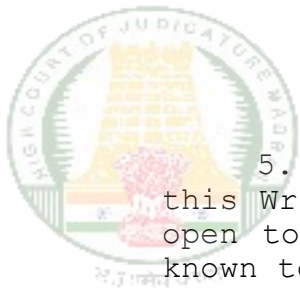
O R D E R

The relief sought for in the present Writ Petition is for a direction to direct the respondents to implement the order dated 19.07.2005 and order dated 24.08.2005 by the first respondent to the year 2018-2019 and direct the respondents to continue the same proceeding for the future commencing years.

2. The order sought to be implemented dated 19.07.2005 which is enclosed in page 3 of the typed set of papers filed along with the Writ Petition reveals that the of first respondent addressed a letter to the administrator of the second respondent stating that certain actions are to be initiated to recall the employees by giving preference. Similarly the order dated 24.08.2005, which is also a circular issued by the first respondent to the second respondent stating certain preference are to be given to the seasonal employees.

3. This Court is of the considered opinion that recalling the employees and granting preference, all have to be done in accordance with the rules and regulations in force. However, the petitioner union, if at all aggrieved in respect of any action on the part of the second respondent, is at liberty to approach the competent authority under the provisions of Tamil Nadu Cooperative Societies Act, which contemplates the revision and review before the authorities; even otherwise also the Trade Union can raise the dispute, if any. At the outset, the High Court cannot adjudicate such disputed issues in a writ proceedings. This apart, the orders sought to be implemented are the industrial communication between the respondents 1 and 2 and such communications could not be challenged by filing a Writ Petition. The said communication provided a base for raising a dispute or filing an Appeal before the authority competent, however the writ proceedings cannot be entertained.

4. The learned counsel appearing on behalf of the second respondent sugar mills made a submission that the said two letters dated 19.07.2005 and 24.08.2005 were cancelled and modified orders were issued. On 14.05.2015, the first respondent in Rc.No.5795/P&P/2015 instructed all the cooperative sugar mills to send the proposal for recall before three months prior to the commencement of crushing for consideration. This apart the orders which are sought to be implemented in this Writ Petition are dated 19.07.2005 and 24.08.2005. However the writ petition is filed on 25.06.2018, after a lapse of 13 years from the date of passing of the order



5. Under these circumstances, the petitioner cannot maintain this Writ Petition. If at all, any grievance exists, it is left open to the petitioner to redress such grievances in the manner known to law. Hence the Writ Petition is dismissed.

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Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

mrn

To

1. The Commissioner of Sugars,
No. 690, Annasalai,
Nandanam,
Chennai -600 035.

2. The Administrator,
M.R.K. Cooperative Sugar Mills,
Sethiyathope, Buvanagiri Taluk,
Cuddalore District.

+1 cc to mr.B.Ramprabu Advocate sr 94955
+1 cc to Special Government Pleader sr 95088
+1 cc to Mr.Venkadasalam Advocate sr94288

W.P.No.15877 of 2018

nr(co)
aa21/01/2020