

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28449 of 2019 and W.M.P. Nos.28149,
28153, 28158 and 28160 of 2019

N.Murugesan

...Petitioner

Vs

- 1.The Secretary to the Government,
Animal Husbandry, Dairying and Fisheries Department
Namakkal Kavignar Maaligai
Fort St. George, Chennai - 600 009
- 2.Managing Director,
Tamil Nadu Co-operative
Milk Producers Federation Limited
Aavin Illam, Madhavaram Milk Colony
Chennai - 51
- 3.Director of Milk Production and Dairy Development
Aavin Illam, Madhavaram Milk Colony
Chennai - 51
- 4.Coimbatore District Co-op Milk Producers Union Limited
Pachapalayam, Kalampalayam Post
Coimbatore - 641 010
- 5.Ravichandran
S/o.M.Karunalayam Chettiar
Coimbatore District Co-op Milk
Producers Union Limited
Pachapalayam, Kalampalayam Post
Coimbatore - 641 010

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of 2nd respondent in Ref. No.19/Pers.Estt.1/2019-1 dated 27.6.2019, quash the same and consequently direct the 2nd respondent to make regular appointment to a eligible person as the General Manager, Coimbatore District Co-operative Milk Producer's Union Limited, Coimbatore, the third respondent herein.

For Petitioner : Mr.A.Edwin Prabakar

For Respondents: Mr.A.N.Thambidurai,

O R D E R

Petitioner has sought for a Writ of Certiorarified Mandamus calling for the records of 2nd respondent in Ref. No.19/Pers.Estt.1/2019-1 dated 27.6.2019, quash the same and consequently direct the 2nd respondent to make regular appointment to a eligible person as the General Manager, Coimbatore District Co-operative Milk Producer's Union Limited, Coimbatore, the third respondent herein.

2. The grievance of the petitioner is that the fifth respondent, who is facing charge memo and disciplinary proceedings, has been appointed as the disciplinary authority/superior officer himself. This has resulted in the 5th respondent becoming Judge for his own cause which gives rise to serious consequences on the outcome of the enquiry; that the impugned order directing the 5th respondent to look after as General Manager but the 5th respondent is indulging full-fledged malpractice by making appointments vide employment Notification dated 30.8.2019:4545/ESTT-1/2019 for recruiting 15 post of Coimbatore Union and also 1 post of veterinary consultant; that the 1st respondent has also not taken any action on the representation of the petitioner. The 2nd respondent ought to make regular appointment of an eligible person in the post of General Manager for Coimbatore District Union, the third respondent herein. Hence the instant writ petition.

3. Heard both sides and perused the materials available in the form of typed set of papers.

4. Today, when the matter came up for further hearing, learned counsel for the petitioner has produced a Government Order bearing reference G.O.(D) No.282 of Animal Husbandry, Dairying & Fisheries (MP.II) Department dated 10.10.2019, wherein the Government after careful examination of the proposal to ratify the action of the Managing Director, Tamil Nadu Co-operative Milk Producers' Federation Limited for having issued orders for transferring Thiru.R.Ravikumar, Deputy General Manager (Engineering), Head office and posted as General Manager in-charge of Coimbatore District Co-operative Milk Producers' Union Limited.

5. Taking note of the above Government Order, the Managing Director, Tamil Nadu Co-operative Milk Producers' Federation Limited, Aavin Illam, Chennai - 600 015 has issued a proceedings in Ref. No.19/Pers.Estt.I/2019 dated 20.11.2019 stating that Thiru.K.Ravichandran, Manager (Milk Production), Coimbatore DCMPU is posted as Assistant General manager incharge in Coimbatore DCMPU and directed to look after the Quality Control activities pertaining to Coimbatore DCMPU and that the above order has been passed due to administrative reasons and the same shall come into force with immediate effect.

6. Action of the Government and the second respondent stated supra, fortifies the grievance of the petitioner. Hence nothing survives for adjudication in the writ petition. Accordingly the writ petition is closed. However, there shall be no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

dpq

To

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Fort St. George, Chennai - 600 009

2.Managing Director,
Tamil Nadu Co-operative
Milk Producers Federation Limited
Aavin Illam, Madhavaram Milk Colony
Chennai - 51

3.Director of Milk Production and Dairy Development
Aavin Illam, Madhavaram Milk Colony
Chennai - 51

+1cc to Mr.A.Edwin Prabakar, Advocate SR.100047
+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.100186
+1cc to the Government Pleader SR.100391
+1cc to the Spl Government Pleader(CO-OP) SR.100363

सत्यमेव जयते

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KJ(CO)
CB(13/01/2020)

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