



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) .No.9981 of 2014

- 1.R.Sethukrishnan
- 2.K.Rajangam
- 3.S.Alphonse
- 4.T.Periyasamy
- 5.J.Maria Joseph
- 6.A.P.Mahamani
- 7.K.Madhavan
- 8.S.Shanmugam
- 9.P.Ramachandran
- 10.S.Kumresan
- 11.R.Krishna Moorthi
- 12.V.Maruthamuthu
- 13.U.Paramasivam
- 14.S.Sekar
- 15.K.Karuppanan
- 16.K.A.Thathahyat Kalandr Beer
- 17.S.Mahendran
- 18.P.Kumaravel
- 19.M.Sudarasekaran
- 20.M.Indirajit
- 21.M.Lakshminarayanan
- 22.G.Chokkaraj
- 23.R.Rengaraj
- 24.V.Yogaraj
- 25.K.Kasinathan
- 26.V.Gurusamy
- 27.G.S.Johnsamvel

... Petitioners

-Vs-

1. The Government of Tamil Nadu,
Rep. by The Commissioner,
Department of Diary Development,
Madhavaram, Chennai.

2. Madurai District Co-operative Milk Producers Union,
Through its General Manager,
Sathamangalam, Madurai-20.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the respondents have no legal right to change the vested right of the petitioners pertaining to their service conditions so as to deny



their benefits and consequently, direct the second respondent to allow the writ petitioners to encash the leave credited in their account, on the respective dates of superannuation.

For Petitioner : Mr.R.Aravindan

For Respondents : Mr.D.Muruganandham
Additional Government Pleader

ORDER

The writ on hand is filed to declare that the respondents have no legal right to change the vested right of the petitioners pertaining to their service conditions so as to deny their benefits and consequently, direct the second respondent to allow the writ petitioners to encash the leave credited in their account, on the respective dates of superannuation.

2.The petitioners were employed as Drivers in the Madurai District Co-operative Milk Producers Union, which is a Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act. The relief sought for in the present writ petition is innocuous on the ground that there cannot be any such declaration to declare that the respondents 1 and 2 have no legal right to change the vested right of the petitioners pertaining to their service conditions. The service conditions can be dealt with by the employers in accordance with law. However, such a common prayer cannot be granted and if at all any individual grievance exist, the petitioners are at liberty to adjudicate the same in the manner known to law. Contrarily, the declaration to declare that the respondents have no legal right to change the service conditions cannot be granted and in the event of violation of any such service conditions, then, the petitioners are at liberty to approach the competent authority and thereafter, the Court of law by following the procedures contemplated. Thus, the writ petitioners are at liberty to approach the authorities concerned under the provisions of the statute, if any grievances exist as of now.

3.With this liberty, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Commissioner,
Government of Tamil Nadu,
Department of Diary Development,
Madhavaram, Chennai.

2. Madurai District Co-operative Milk Producers Union,
Through its General Manager,
Sathamangalam, Madurai-20.

+1 CC to the SPL GP (SR-23879[F] dated 03/12/2020)

W.P. (MD) .No.9981 of 2014
02.12.2020

KG(CO)
CS(16.12.2020) 3P 4C