

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.5889 of 2021

K.Maruthupandian

... Petitioner

vs.

1. The Commissioner of Milk Production
and Dairy Development,
Madhavaram, Chennai.

2. The Managing Director,
Villupuram-Cuddalore District,
Co-op Milk Producers Union Ltd.,
Villupuram. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, seeking a direction to the 1st Respondent to give suitable instructions to the 2nd Respondent to refund the withholding of Rs.1,68,287/- for the retiral benefits of Surrender Leave Salary of the Petitioner with interest.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.Balaramesh,
Additional Government Pleader

ORDER

Petitioner has come up with this Writ Petition seeking a direction to the 1st Respondent to give suitable instructions to the 2nd Respondent to refund the withholding of Rs.1,68,287/- for the retiral benefits of his Surrender Leave Salary with interest.

2. It is seen that, in respect of his grievance, the Petitioner had already approached this Court in W.P.No.21312 of 2018 seeking to consider his Revision Petition dated 01.09.2016, and this Court by an order dated 21.08.2018, disposed of the said Writ Petition, by holding as under:

"3. Considering the aforesaid facts, this Court disposes of this Writ Petition with the direction to the Petitioner to submit the Revision Petition in proper format within a period of two weeks hence and on filing of such Revision Petition, the first Respondent shall consider and dispose of the same on merit within a period of six weeks on receipt of such Petition. It is made clear that, since the Petitioner has applied in time for revision

though not in proper format, the same shall not be rejected on the ground of limitation. However, in the circumstances, there shall be no orders as to costs."

3. Learned counsel for the Petitioner submitted that, even though the Petitioner has filed a Revision Petition dated 01.09.2016 to the 1st Respondent and counter has already been filed by the Respondent before the Revisional Authority, no decision has been taken by the Authority concerned. Hence, having no other alternative, the Petitioner has again approached this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. As the Petitioner has already approached this Court by way of a Revision Petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, and there is a direction by this Court to the Authority concerned to decide the matter within six weeks, this Court directs the Revisional Authority to decide the matter within a period of one month from the date of receipt of a copy of this order, if not already decided.

6. Before parting with, this Court observes that, non-passing of an order by the Revisional Authority pursuant to the order dated 21.08.2018 passed by this Court in W.P.No.21312 of 2018, is utter disobedience to the direction of this Court.

The Writ Petition is disposed of with the above direction and observation. No costs.

Sd/-

Assistant Registrar (CS VII)

/TRUE COPY/

Sub-Assistant Registrar

(aeb)

To:

1. The Commissioner of Milk Production
and Dairy Development,
Madhavaram, Chennai.
2. The Managing Director,
Villupuram-Cuddalore District,

Co-op Milk Producers Union Ltd.,
Villupuram.

+1CC TO MR.R.BALARAMESH, ADVOCATE, SR.NO. 19024
+1CC TO MR.J.MUTHUKUMARAN, ADVOCATE, SR.NO. 18851

W.P.No.5889 of 2021

PCH (CO)
KKN 16.04.2021



WEB COPY