



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.298 of 2021

and

W.M.P(MD) No.228 of 2021

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V.P.Ammavasai

... Petitioner

Vs.

- 1.The Registrar cum Director,
Milk Production and Diary Development Department,
Madhavaram Milk Colony,
Chennai-51.
- 2.TID 483, Theni District Milk Producers Co-operative Union,
Represented by its
The General Manager,
NRT Nagar,
Theni.
- 3.The Chairman,
TID 483, Theni District Milk Producers Co-operative Union,
NRT Nagar,
Theni.
- 4.Mr.Murugan
- 5.Mr.Saravanamuthu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to forbear the 2nd and 3rd respondents from anyway proceedings with the recruitment process and fill up 22 newly formed posts in the 2nd respondent Union as per Advertisement No.1/2020 dated 17.11.2020 and cancel the permission accorded by him vide through proceedings Rc.No.14452/2020/N1 dt 31.10.2020 since the permission from the 1st respondent is obtained fraudulently by providing false information relating to purchase and selling of milk of the 2nd respondent Union by the respondents 2 and 3 and consequently take necessary action against the respondents 2 and 3 for providing false information to the Government and obtaining permission through fraudulently mean by considering the representation given by the petitioner dated 03.12.2020.



For Respondents : Mr.K.Chellapandian
Addl.Advocate General, assisted by
Mr.E.Mareeskumar, Standing Counsel
for R1 to R3

O R D E R

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This writ petition has been filed for a direction to the first respondent to forbear the second and third respondents from anyway proceeding with the recruitment process and fill up 22 newly formed posts in the second respondent Union as per Advertisement No.1/2020 dated 17.11.2020 and cancel the permission accorded by him vide through proceedings Rc.No.14452/2020/N1 dt. 31.10.2020 since the permission from the 1st respondent is obtained fraudulently by providing false information relating to purchase and selling of milk of the second respondent Union by the respondents 2 and 3 and consequently take necessary action against the respondents 2 and 3 for providing false information to the Government and obtaining permission through fraudulently means by considering the representation given by the petitioner, dated 03.12.2020.

2.By consent of both parties, this writ petition is taken up for final disposal.

3.The case of the petitioner is that the petitioner Society is a major milk supplier supplying milk to the second respondent Union. After bifurcation, the second respondent Union is facing a huge financial crisis. In such circumstances, the second and third respondents issued a Notification inviting applications for filling up 80% of vacancies, as if the second respondent Union is running profitably. Further, the procurement of milk is only 6,000 liters per day. Taking into account the procurement of milk as well as the selling capacity, the permission obtained from the first respondent to fillup 80% of the cadre strength, is without application of mind. Hence, the petitioner made a representation on 03.12.2020 objecting to the recruitment process. Since no action has been taken on the petitioner's representation, the present writ petition is filed.

4.The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents to consider the petitioner's representation, dated 03.12.2020 in accordance with law.

5.The learned Additional Advocate General appearing for the respondents 1 to 3 would submit that the representation of the petitioner will be considered in accordance with law within a reasonable time as fixed by this Court.



6.Considering the limited prayer made by the petitioner, without expressing any opinion on the merits of the case, this Court directs the first respondent to consider the petitioner's representation, dated 03.12.2020 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, if not disposed of already.

7.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Registrar cum Director,
Milk Production and Diary Development Department,
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Chennai-51.
- 2.TID 483, Theni District Milk Producers Co-operative Union,
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The General Manager,
NRT Nagar,
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- 3.The Chairman,
TID 483, Theni District Milk Producers Co-operative Union,
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