



Cont.P.No.65 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

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M.Palani

... Petitioner

Vs.

Mr.Kandasamy,
The Managing Director,
Milk Producers & Dairy Development Department,
Aavin Illam, Madhavaram,
Chennai – 51.

... Respondent

Prayer: Petition filed under Section 11 of Contempt of Courts Act, to punish the respondent for willful disobedience of this Court order dated 13.09.2021 in W.P.No.19171 of 2021.

For Petitioner : Mr.M.C.Palaniswamy

For Respondent : Mr.A.Selvendran
Special Government Pleader



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ORDER

After hearing the learned counsel for the petitioner and the learned Special Government Pleader for the respondent, I do not find any contempt by the respondent while passing order dated 23.02.2022. It appears that the petitioner was appointed in the 3rd respondent/Society pursuant to an order in a writ petition in the year 1996 and thereafter the petitioner was promoted as Assistant Manager on 01.06.2017. Since the post of the Manager was vacant and he was entrusted to the functions of the Manager. The respondent however did not promote the petitioner as a Manager and withdrew the entrustment of powers of a Manager from the petitioner vide order dated 07.08.2021. As against the aforesaid order of the society, the petitioner had sent a representation dated 18.08.2021. In the said representation, the petitioner not only asked for refixing of his pay but also for promoting him to the post of Manager. Under these circumstances, W.P.No.19171 of 2021 was filed which came to be disposed vide order dated 13.09.2021. There is no discussion on merits.

2.The said Writ Petition was disposed based on the submission of



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the learned counsel for the respondent that an appropriate order will be passed on the representations dated 31.07.2021 and 18.08.2022 of the petitioner. It has now culminated in an order dated 23.02.2022 of the Managing Director of Milk Producers Dairy Products, the sole respondent in this contempt petition who was the 1st respondent in the writ petition. The case of the petitioner is that despite the above order, the 1st respondent has called upon the 2nd respondent/Deputy Registrar of Co-operative Societies, (Milk) to advise the 3rd respondent/President C-706, Sholingapuram Milk Producers, Co-operative Society Ltd. It is submitted that the undertaking given before this Court has been breached and thus contempt of this Court has been committed by the sole respondent in the contempt petition.

3.Opposing the prayer, the learned counsel for the respondent would submit that the representation has been considered and disposed. It is therefore submitted that it is for the petitioner to work out appropriate remedy against the aforesaid order. It is also submitted that as against the order dated 07.08.2021 an appropriate appeal can be filed before the respondent herein (first respondent in the writ petition) r/w



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Rule 169 of the Act. In this case, neither an revision has been filed nor an appropriate appeal has been filed by the petitioner.

4.I have considered the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

5.I am of the view that there is no contempt made out as the representation of the petitioner has been disposed. However, facts remains that the petitioner's grievance for being promoted of to the post of Manager still remains and decided. The remedy available to the petitioner against the decision of the society dated 07.08.2021 has to be redressed in the manner known to law i.e, U/S 153 of the Tamil Nadu Co-operative Societies Act, 1988 r/w 169 of the Rules.

6.Considering the above, while dismissing the contempt petition, liberty is given to the petitioner to file an appropriate revision petition under Section 153 of the Tamil Nadu Co-operative Society Act, 1988 read with 169 of the Rules within a period of two weeks from the date of



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receipt of a copy of this order. In case any such revision petition is filed, the petition shall be considered and dispose the case on merits and in accordance with law.

7. Accordingly, this contempt petition is dismissed.

27.06.2022

Index : Yes/ No
Internet : Yes/No
Speaking/Non-Speaking Order
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To

Mr.Kandasamy,
The Managing Director,
Milk Producers & Dairy Development Department,
Aavin Illam, Madhavaram,
Chennai – 51.



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C.SARAVANAN, J.

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