



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13145 of 2014
and
WMP.No.12157 of 2019

R.Saminathan

...

Petitioner

Vs.

1.The Commissioner of Milk Production
and Dairy Development, Tamil Nadu
Co-operative Milk Producers Federation Ltd.,
Madhavarm, Chennai - 600 051.

2.The General Manager,
Salem District Co-operative Milk
Producers Union Ltd.,
Sithanur, Thalavaipatti Post,
Salem - 636 302.

...

Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Ref.No.18430/Estt.1/2013 dated 09.01.2014 quash the same as illegal to the extent of denying retrospective effect from 01.12.2000 and consequentially direct the respondents to promote the petitioner notionally as Assistant with effect from 01.12.2000 and to fix the notional fixation of pay with effect from 01.12.2000 and monetary benefits along with arrears with effect from 01.12.2000 to till date.

For Petitioner : Mr.S.Rajesh

For Respondent : Mr.L.S.M.Hasan Fizal
No.1 Additional Government Pleader

Respondent No.2 : No appearance



O R D E R

The order passed by the General Manager of the Salem District Co-operative Milk Producers' Union Ltd., Salem, in proceedings dated 09.01.2014 is under challenge in this present writ petition.

2.The Salem District Co-operative Milk Producers' Union Ltd., is a registered society under the provisions of the Tamil Nadu Co-operative Societies Act and not a State within the meaning of Article 12 of the Constitution of India. Therefore, the petitioner has to exhaust the statutory remedies contemplated under the Act. The Co-operative Societies Act contemplates a revision under Section 153 of the Act and the first respondent Commissioner of Milk Production and Dairy Development is the functional Registrar notified under the Act by the Government and therefore, empowered to entertain, a revision petition, if any, filed under Section 153 of the Act. The first respondent is competent to adjudicate both the facts as well as the legal grounds raised between the parties. Thus, the petitioner has to exhaust the statutory remedies contemplated under the Act, which is efficacious in nature. The principles in this regard are settled by the larger bench of this High Court in the case of Marappan Vs. Deputy Registrar of Cooperative Society reported in 2006 4 CTC 383. Thus, the petitioner is at liberty to approach the first respondent by filing a revision under Section 153 of the Act for the purpose of redressal of his grievances. In the event of filing any such revision by the petitioner, the first respondent shall take into consideration the period during which the writ petition was pending before the High Court for the purpose of condoning the delay if any and decide the issue on merits and in accordance with law as expeditiously as possible.

3.With this liberty, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

sms/sli



To

1.The Commissioner of Milk Production
and Dairy Development, Tamil Nadu
Co-operative Milk Producers Federation Ltd.,
Madhavarm, Chennai - 600 051.

2.The General Manager,
Salem District Co-operative Milk
Producers Union Ltd.,
Sithanur, Thalavaipatti Post,
Salem - 636 302.

+1cc to Mr.S.Sivanandam, Advocate SR.No.34774

+1cc to the Government Pleader SR.No.35890

W.P.No.13145 of 2014

and

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PA(CO)

CB(06/07/2022)