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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.13361 of 2014
and
M.P.No.1 of 2014

S.Usha

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu Co-operative Milk Producers' Federation Ltd.,
Aavin Illam, Madhavaram Milk Colony,
Chennai - 600 051.

2.The General Manager,
Trichirappalli District Co-operative Milk Producers' Union
Ltd.,
Kottapattu, Trichy - 620 023.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to consider the petitioner representations dated 27.09.2013 and 10.02.2014 made to the 2nd and 1st respondents respectively in accordance with law and pass order on merits within a time frame to be stipulated by this Hon'ble Court in view of the date of retirement being 30.06.2014.

For Petitioner : Ms.G.Deepika
for M/s.S.Giritharan

For Respondents : Ms.S.Anitha
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the petitioner's representations and pass orders on merit.

2. The petitioner was engaged as a casual labourer in Trichirappalli District Co-operative Milk Producers' Union. The grievance of the writ petitioner is that she was not conferred with the permanent status in the sanctioned vacancy and therefore, she made representations to regularize her service.



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However, the said representations were not considered. Thus, the petitioner is constrained to move the present writ petition. Even at the time of filing the writ petition, the petitioner was aged about 57 years and now she would be around 66 years of age.

3. The learned counsel for the petitioner made a submission that the petitioner is not in service as of now. This being the factum, this Court cannot consider grant of regularization or otherwise in respect of the casual labourer, who was appointed in a Co-operative Milk Producers' Union, which is a society registered under the provisions of Tamil Nadu Co-operative Societies Act and not a 'State' within the meaning of Article 12 of the Constitution of India. Even for issuing a direction to consider a representation, the person has to approach the Court to establish his right or infringement of right. The Court cannot issue orders in a routine manner, which would do no service to the cause of justice and litigants are back again, which will result in harassment. Therefore, the Courts are bound to decide the issues on merits and in accordance with law, so as to give quietus to the issues and grant relief to the persons, who are approaching the Court with some grievance. Thus, the petitioner is not conferred with any right to be regularized at permanent status and furthermore, she is no more in service.

4. Accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

Ab/Jeni
To

1.The Managing Director,
Tamilnadu Co-operative Milk Producers' Federation Ltd.,
Aavin Illam, Madhavaram Milk Colony, Chennai - 600 051.

2.The General Manager,
Trichirappalli District Co-operative
Milk Producers' Union Ltd.,
Kottapattu, Trichy - 620 023.

+lcc to M/s.S.Giritharan, Advocate SR.No.36374
+lcc to Government Pleader SR.No.36374

W.P.No.13361 of 2014

SR II(CO)
GMY(29/06/2022)