



WEB COPY



WP No.8977 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.8977 of 2017

And

WMP No.9879 of 2017

D.D.Geetha

..

Petitioner

vs.

1.The Director/Commissioner of Sugars,
675, Periyar Buildings,
Anna Salai,
Nandanam,
Chennai.

2.The Managing Director/Chairman,
The Dharmapuri District Cooperative Sugar Mills,
Dharmapuri District. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the second respondent in Na.Ka.No.32/2015-16/Poly dated 07.12.2015 and quash the same thereby



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directing the respondents to reinstate the petitioner, who is removed orally from the post of Workshop Instructor by the second respondent w.e.f 01.06.2014, in any other suitable alternate post and regularise her service from the date of her initial appointment with all the arrears of salary and attendant benefits.

For Petitioner	: Mr.Ashok Kumar
For Respondent-1	: Mr.R.P.Murugan Raja, Government Advocate.
For Respondent-2	: Mr.R.Gopinath

ORDER

The proceedings of the second respondent-Cooperative Sugar Mill dated 07.12.2015, is under challenge in the present writ petition.

2. The Cooperative-Sugar Mill is a Society registered under the Tamil Nadu Cooperative Societies Act. The order impugned is removal of the petitioner from service. Therefore, an adjudication is required with reference to the disputed facts and circumstances. Such an elaborate adjudication cannot be undertaken in the writ proceedings, since verification of documents and evidences are to be done regarding the claim set out by the writ



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petitioner. Thus the petitioner has to exhaust the statutory remedy contemplated under the provisions of the Tamil Nadu Cooperative Societies Act. More specifically Section 153 of the Tamil Nadu Cooperative Societies Act, provides revision to the Authority and the petitioner has not exhausted the said remedy.

3. The statutory remedies contemplated under the Tamil Nadu Cooperative Societies Act and the Rules, cannot be dispensed with in a routine manner by the High Court. The factual findings of such Appellate Authority or the Revisional Authority would be of greater assistance to the High Court to exercise the powers of judicial review under Article 226 of the Constitution of India in an effective manner.

4. Merely based on the affidavit filed in the writ proceedings, the High Court cannot form an opinion with reference to the disputed facts, which requires an elaborate adjudication with reference to the documents and the evidences. Thus the importance of exhausting the alternate remedy under the Statutes, at no circumstances, be undermined or dispensed with in a



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routine manner except on exceptional circumstances, where an urgency is established.

5. In the present case, the petitioner was removed from service and therefore, she is at liberty to approach the Competent Authority under the provisions of the Tamil Nadu Cooperative Societies Act for, adjudication of the issues. In the event of any such approach by the writ petitioner, the Competent Authority 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 adjudicate the issues on merits in accordance with law.

6. With the abovesaid liberty, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

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

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S.M.SUBRAMANIAM, J.

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