



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) Nos.14489 & 14490 of 2019 & 14448 of 2020

and

W.M.P. (MD) Nos.10923, 10924, 10925, 10926 of 2019 & 12088 of 2020

A.Lakshmi ... Petitioner in W.P.(MD)
Nos. 14448 of 2020 & 14489 of 2019

B.Tamil Selvan ... Petitioner in W.P.(MD)
No. 14490 of 2019

vs.

1.The Managing Director
Tamil Nadu Milk Co-operative Union Ltd.,
Aavin House, No.3, Chamiers Road
Nandanam, Chennai-35

2.The General Manager
Sivagangai District Co-operative Milk
Producers Union Ltd.,
Kalanivasal, Karaikudi-2

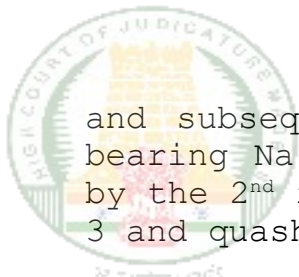
... Respondents 1 and 2 in
W.P.(MD) Nos.14489 &
14490 of 2019 & 14448 of 2020

3.The Enquiry Officer /
Joint Commissioner of Labour
rep.by S.M.Shamsudeen Ibrahim
18/10, Pallivasal Lane
Kazimar Street, Madurai-625 001

... 3rd Respondent in W.P.(MD)
No.14448 of 2020

PRAYER (in W.P.(MD) No.14489 of 2019) : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records of the impugned order passed by the 2nd respondent dated 15.02.2019 bearing Na.Ka.No.436/V.PII/2015 and subsequent order passed by the 1st respondent dated 28.05.2019 bearing Na.Ka.No.6453/Pa.Ku.tho.U2/2019 and show cause notice issued by the 2nd respondent dated 07.06.2019 bearing Na.Ka.No.180/PaNeeI/19-2 and quash the same.

PRAYER (in W.P.(MD) No.14490 of 2019) : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records of the impugned order passed by the 2nd respondent dated 15.02.2019 bearing Na.Ka.No.436/V.PII/2015



and subsequent order passed by the 1st respondent dated 28.05.2019 bearing Na.Ka.No.6453/Pa.Ku.tho.U2/2019 and show cause notice issued by the 2nd respondent dated 07.06.2019 bearing Na.Ka.No.180/PaNeeI/19-3 and quash the same.

PRAYER (in W.P. (MD) No.14448 of 2020) : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records of the impugned enquiry notice issued by the 3rd respondent dated 05.09.2020 bearing Aavin Roc.No.180/P&A1/2019-1 and quash the same.

For Petitioner : Mr.G.Muruggan
(in all W.Ps.)

For Respondents : No appearance for R1 & R3
(in W.P. (MD) No.14448/2020) Mr.V.O.S.Kalaiselvam for R2

For Respondents : No appearance for R1
(in W.P. (MD) Nos.14489 & 14490/2019) Mr.V.O.S.Kalaiselvam for R2

C O M M O N O R D E R

The respondent - Sivagangai District Co-operative Milk Producers Union Limited, which is funded by the members of the Union, is not the State within the meaning of Article 12 of the Constitution of India. The petitioners have filed the present writ petitions challenging the disciplinary proceedings initiated against them.

2. The learned counsel appearing for the respondent - Union made a submission that the enquiry proceedings have already been concluded and final order is yet to be passed.

3. However, a writ as against a Co-operative Society need not be entertained and the petitioners, even after passing of final orders by the Management of the Co-operative Society, has to exhaust the statutory remedies contemplated under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. Thus, the present writ petitions are not maintainable.

4. At this juncture, the learned counsel appearing for the respondent - Union made a submission that since enquiry proceedings are already concluded, final orders will be passed at the earliest.

5. In view of the above submission of the learned counsel for the respondent - Union, no further adjudication is required in respect of the grounds raised in the present writ petitions and the petitioners, if any final orders are passed, are at liberty to approach the Authorities competent in the manner known to law.



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6. Accordingly, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

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To

The Managing Director
Tamil Nadu Milk Co-operative Union Ltd.,
Aavin House, No.3, Chamiers Road
Nandanam, Chennai-35

+1 CC to M/s.V.O.S.KALAISELVAM, Advocate (SR-5941[F] dated 14/02/2022)

+1 CC to M/s.SPL GP (SR-5978[F] dated 14/02/2022)

+2 CC to M/s.R.SARAVANAN, Advocate (SR-5799[F] dated 11/02/2022)

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