



W.P.No.6098 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6098 of 2012

E.Elumalai

... Petitioner

Vs.

- 1.Commissioner,
Government of Tamilnadu,
474, Anna Salai, Nandanam, Chennai-35
- 2.The Administrator,
Cheyyar Co-Op Sugar Mills Limited,
Anakkavoor – Thenthandalam,
Cheyyar 604 407
- 3.A.Karthikeyan
- 4.M.Venkatesan
- 5.R.Kandasamy
- 6.G.Prabakaran
- 7.D.Ravichandran
- 8.N.R.Sivarajan
- 9.P.Murugan
- 10.A.Venkatesan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the second respondent herein to rework the petitioner's seniority in relation to the respondents 3 to 10 in accordance with the guidelines bearing number Rc.No.14542/SL3/97 dated 24.06.2000 issued by the first respondent and thereby promote the petitioner to the post of crane operator with



W.P.No.6098 of 2012

consequential seniority and resultant monetary benefits in the promoted post subject to any condition that may be imposed by this Court.

For Petitioner : No appearance

For Respondents

For R1 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For R2 : Mr.T.M.Rajangam

For R3 to 10 : Mr.T.Ramkumar

ORDER

This writ petition has been filed for direction to the second respondent to rework the petitioner's seniority in relation to respondents 3 to 10 in accordance with the guidelines dated 24.06.2000 issued by the first respondent.

2. The second respondent is a Sugar Mill run by the Cooperative Society under the control of the first respondent. However, the issue involved in this writ petition is a dispute in respect of service matter between an employee and an employer. As per the judgment of this Court in the case of [K.Marappan vs. The Deputy Registrar of Co-](#)



W.P.No.6098 of 2012

[operative Societies, Namakkal & another](#) reported in 2006 (4) LW 495,

no writ will lie against the Cooperative Society. Therefore, the writ petition itself is not maintainable. Accordingly, this writ petition is liable to be dismissed. However, the petitioner can resort by filing revision before the Tribunal under Section 153 of Tamilnadu Cooperative Societies Act.

3. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

29.08.2023

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
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W.P.No.6098 of 2012

G.K.ILANTHIRAIYAN, J.

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To

1. Commissioner,
Government of Tamilnadu,
474, Anna Salai, Nandanam, Chennai-35
2. The Administrator,
Cheyyar Co-Op Sugar Mills Limited,
Anakkavoor – Thenthandalam,
Cheyyar 604 407
3. The Government Advocate,
High Court, Madras.

W.P.No.6098 of 2012

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