



W.P.No.155 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.155 of 2022

N.Dharma Lingam

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government
Animal Husbandry, Dairying and Fisheries Department
Chennai-9
- 2.The Director for Milk Production
and Diary Development, Madhavaram
Milk Colony, Chennai.
3. The Managing Director
Tamil Nadu Co-operative Milk Producers
Federation Limited,
Aavin Illam, 3A, Pasumpon Muthuramalinganar salai
Nandanam, Chennai-600 035.
- 4.The Deputy Registrar (Dairying)
Door No.97/38,
Park Tower, second floor, Co-operative Colony,
Mohanur Road,
Namakkal(TK & Dt)-637 001
5. The General Manager,
Namakkal District Co-operative Milk Producers Union Ltd,
1/1167, Paramathi road,
E.B.Colony,
Namakkal-637 001.



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6. The General Manager,
Salem District Co-operative Milk Producers Union Ltd,
Salem 636 302,
Salem District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to send back the petitioner to Salem i.e., 6th respondent office so as enable to get promotion on par with his juniors based on the representation submitted by the petitioner dated 23.11.2021 and 13.12.2021.

For Petitioner : Mr..P.Ganesan

For Respondents : Mr.Stalin Abimanyu for R1
Addl. Government Pleader
Mr.U.Bharanidharan for R2 to R4

ORDER

This writ petition is filed for a mandamus directing the respondents to send back the petitioner to Salem so as to enable to get the promotion on par with his juniors.

2. It is the case of the petitioner that the petitioner was appointed as an Electrician in the 6th respondent society at Salem. He rose to the level of Deputy Manager(Engg). While so, the respondents took an administrative decision to bifurcate Salem and Namakkal districts and



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option were called for. The petitioner opted to be in Namakkal district.

However, in the bifurcation order, it is specifically stated that the bifurcation would be subject to the approval of the Board and also the Director of Milk Production and Diary Development. Till date, the approval of the Board and Director of Milk Production has not been obtained. In the result, the petitioner is neither considered for promotion in the Salem unit nor any separate proceedings are taken up for consideration for promotion in the Namakkal district since the same has not been approved. Therefore, he has come up with this prayer to send him back to the Salem unit.

3. Without going into the merits of the case, it can be seen that the petitioner is an employee of the 6th respondent Co-operative Society and he has been deputed in the 5th respondent society.

4. Therefore, even if the petitioner has got any grievance, the 5th and 6th respondents are not state within the meaning of Article 12 so as to entertain the present writ petition. The petitioner has an alternative remedy to file revision under Section 153 of the Tamil Nadu Co-operative Societies Act.



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5. Therefore, keeping all the contentions open, this writ petition is dismissed with liberty to the petitioner to take such appropriate proceedings as permissible under law. It is needless to mention that period spent in this writ petition has to be duly taken into account as and when any revision is filed. No costs.

02.04.2024

Index: Yes

Speaking Order: Yes

Neutral Citation: No

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To

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and Diary Development, Madhavaram
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