



W.P.No.35586 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM:

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

W.P.No.35586 of 2023

K.Saravanan

...Petitioner

-Vs-

- 1.The Secretary to Government
Animal Husbandry, Fisheries and
Dairy Development, Secretariat
Chennai – 600 009.
- 2.The Commissioner for Milk Production
and Dairy Development
Madhavaram Milk Colony
Chennai – 600 051.
- 3.The Deputy Milk Commissioner
Dairy Development
Madhavaram Milk Colony
Chennai – 600 051.
- 4.The Deputy Registrar (Dairying)
Tiruvannamalai District
Tiruvannamalai.
- 5.The President/Special Officer
C1471, Arani Milk Producers Coop. Society
Arani, Tiruvannamalai District -632 301.

... Respondents



W.P.No.35586 of 2023

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to dismiss the revision petition filed by the 5th respondent, and consequently direct the 5th respondent to reinstate the petitioner as Secretary in the C1471, Arani Milk Producers Cooperative Society, Arani 632 301, Tiruvannamalai District with all other attendant benefits based on the order dated 30.03.2023 passed by the Statutory Revisional Authority/3rd respondent herein by disposing the petitioner's representation dated 31.07.2023.

For Petitioner	: Mr.R.Sethu Pandian
For R1 to R4	: Mr.S.Arumugam Government Advocate
For R5	: Mr.U.Baranidharan Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the first respondent to dismiss the review filed by the 5th respondent and to reinstate the petitioner as Secretary of Arani Milk Producers Cooperative Society.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined as Sales Assistant in the Arani Milk Producers Co-operative Society. Subsequently, he was promoted as Milk



W.P.No.35586 of 2023

Tester. Thereafter, he was promoted as Cashier and promoted to the post of Secretary to the Society. While he was serving as Secretary, for several allegations he was suspended by the 5th respondent. Thereafter, he was issued with a charge memo consisting 10 charges. The Enquiry Officer conducted an enquiry and held that seven charges were proved and three charges were not proved. On the basis of the enquiry report, the petitioner was dismissed from service. Aggrieved by the same, the petitioner filed review as contemplated under Section 154 of Tamil Nadu Co-operative Societies Act before the third respondent and the same was allowed and the order of punishment imposed on the petitioner was set aside. Aggrieved by the same, the fifth respondent filed an appeal before the first respondent, which is pending. Pending appeal, the petitioner submitted a representation to reinstate him into service. Pending review/appeal, the petitioner filed this Writ Petition for direction directing the first respondent to dismiss the review filed by the fifth respondent.

4. Such direction cannot be issued, since the first respondent is a statutory authority and it has jurisdiction to deal with the review/appeal filed by the fifth respondent in the manner known to law. Therefore, the direction sought for in this writ petition cannot be considered and the writ petition is devoid of merits and it is liable to be dismissed.



W.P.No.35586 of 2023

WEB COPY

5. Accordingly, this Writ Petition stands dismissed. However, the first respondent is directed to dispose of the review/appeal filed by the fifth respondent, after giving an opportunity of hearing to the petitioner, on merits and in accordance with law. If the petitioner succeeds the review/appeal filed by the fifth respondent, the fifth respondent is directed to reinstate the petitioner. No costs.

03.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Lpp

To

- 1.The Secretary to Government
Animal Husbandry, Fisheries and
Dairy Development, Secretariat
Chennai – 600 009.
- 2.The Commissioner for Milk Production
and Dairy Development
Madhavaram Milk Colony
Chennai – 600 051.
- 3.The Deputy Milk Commissioner
Dairy Development
Madhavaram Milk Colony
Chennai – 600 051.



W.P.No.35586 of 2023

4.The Deputy Registrar (Dairying)
Tiruvannamalai District
Tiruvannamalai.

5.The President/Special Officer
C1471, Arani Milk Producers Coop. Society
Arani, Tiruvannamalai District -632 301.

6. The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.35586 of 2023

G.K.ILANTHIRAIYAN. J,

Lpp

W.P.No.35586 of 2023

03.01.2024