

W.P.No.18338 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.05.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.18338 of 2025 and

WMP.No.20545 of 2025

S.Vijayasurendhar

...Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Co-operative Milk Producers
Federation, Madhavaram,
Chennai - 600 051.

2.The Deputy Registrar,
Milk and Diary Department,
Palaya Nattanmai Kalaga Building,
Salem - 01.

3.The Enquiry Officer,
Senior Inspector (Milk),
Deputy Registrar's Office (Milk)
Salem.

...Respondents

Prayer: The writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for records in Na.Ka.No.1/2024/V.A dated 21.03.2025 on the file of the 3rd respondent and quash the same as illegal, incompetent, and without jurisdiction and further direct the 3rd respondent to permit the



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petitioner to be represented through his counsel.

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For Petitioner	...	Mr.M.Muruganathan for S.Varanesh
For Respondents	...	Mr.K.Tamilvanan Government Advocate

ORDER

The writ petition has been filed to call for records in Na.Ka.No.1/2024/V.A, dated 21.03.2025, on the file of the 3rd respondent and quash the same as illegal, incompetent and without jurisdiction and further direct the 3rd respondent to permit the petitioner to be represented through his counsel.

2.The petitioner was appointed as Computer Operator by the President of ED-118 , Manjini Milk Producers Co-operative Society Ltd., Manjini Village, Attur Taluk, Salem District. The second respondent herein issued a charge memo to the petitioner on 17.10.2024. The petitioner and other persons filed a writ petition before this Court in W.P.No.34165 & 34166 of 2024 seeking to quash the appointment of Senior Inspector (Milk), E - Division, Assistant Registrar's Office, Salem



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as an Enquiry Officer and to direct the second respondent to appoint some other competent person as Enquiry Officer for the said purpose.

The writ petition came to be disposed of on the following terms:

"5. Acceding to the request of the learned counsel for the petitioners when this Court enquired about appointment of another enquiry officer, the learned Additional Government Pleader appearing for the 1st respondent submits that another enquiry officer will be appointed before 30.12.2024 and further contends that the amount involved is high.

6. At this juncture, it is pertinent to point out that the submission of the petitioners that the 3rd respondent, who raised audit objection has been appointed as enquiry officer, has some force, therefore, this Court hereby directs the petitioners to submit all the documents in person to the respondents and the authorities shall proceed with the enquiry by appointing new enquiry officer, on or before 30.12.2024. Further, the enquiry to commence on or before 06.01.2025 and the said new Enquiry Officer shall conclude the enquiry on before 31.03.2025. It



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is made clear that since the amount involved is huge, the matter need not be prolonged furthe. It is also made clear that the enquiry shall be conducted on day today basis, unnecessary adjournments will be not given on any score and the necessary documents/report shall be furnished to the delinquent and the parties are permitted to cross examine."

Thereafter, an enquiry officer was appointed by the second respondent.

3.Before the said second respondent, the petitioner filed an application seeking to be represented by an Advocate. The said petition was rejected. Aggreived by the same, the present writ petition.

4. Heard Mr.M.Murugananthan for Mr.S.Varanesh appearing for the petitioner and Mr.K.Tamilvanan, learned Govenment Advocate for the respondents.



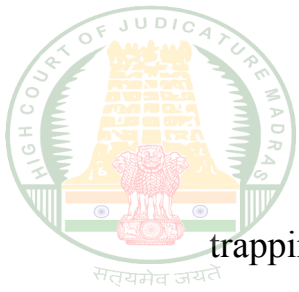
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5.Mr.Muruganathan, invites my attention to Section 30 of the Advocates Act, 1961 and argues that there is a fundamental right for an Advocate who practice before all Courts and Tribunals and hence, the rejection and request of the petitioner to be represented by an Advocate by the third respondent herein is illegal.

6.This plea of Mr.Muruganathan is stoutly opposed by Mr.Tamilvanan.

7. I have gone through the submissions of the learned counsel on either side and perused the materials available on records.

8.Section 30 of the Advocates Act gives every advocate, who is enrolled on the file of any State Bar Council, a right to practice in all Courts, Tribunals and such other authority or persons covered under that Section. There is no right for representation by an Advocate before an Administrative body, which is only fact finding body. A proceedings under Section 81 is neither a quasi judicial proceedings nor one with the



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trapping of a Court. Hence, the question of applying Section 30 does not arise.

9.Mr.M.Murugananthan, invites my attention to judgment of the Assam High Court in ***DEBO BORA Vs.STATE OF ASSAM & ORS. (1998) 1 Gauhati Law Reports 179*** to urge that Gowhati High Court has held an advocate is entitled to appear in a proceedings under the Assam Cooperative Society Act and hence, he pleades that the same may be applied in the present case also.

10.A perusal of the facts of that case shows that an Arbitration proceedings had been initiated between the writ petitioner therein and a Cooperative Society in terms of Section 63 of the Assam Co-operative Societies Act. By its very nature, an Arbitration proceeding is a quasi judicial proceedings and an Award passed by the Registrar in such cases is deemed to be a "decree". In the present case as already pointed out, it is only an enquiry - a fact finding exercise indulged by the third respondent for further proceedings under the Tamil Nadu Cooperative Societies Act.



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Arbitration arises only under Section 90 and that stage is yet to arise.

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In the light of above discussion, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

Internet: yes/No

sms/rs

16.05.2025

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V.LAKSHMINARAYANAN,J.

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