



W.A(MD) No.2614 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.2614 of 2024
and
C.M.P.(MD)No.18219 of 2024**

S.Keerthana

... Appellant / Writ Petitioner

Vs.

- 1.The Commissioner of Milk Production
and Diary Development Department,
Mathavaram Milk Colony,
Chennai-600 051.**
- 2.The Chairman,
Representing by the board cum competent authority,
TID 483, Theni District Co-operative
Milk Producers Union Limited,
Natesh Apartments,
Amman Nagar,
Palanichettipatti,
Theni District.**
- 3.The General Manager,
TID 483, Theni District Co-operative Milk
Producers Union Limited,
Natesh Apartments, Amman Nagar,**



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Palanichettipatti,
Theni District.

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4.The Deputy Registrar (Dairying)
Dairy Development Department,
Aavin Complex,
Sathamangalam,
Madurai-625 020.

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 16.02.2024 passed in W.P. (MD)No.10177 of 2023.

For Appellant : Mrs.A.Banumathy

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate
for R1 & R4

: Mr.J.Devasenar
for R2 & R3

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.



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2. The appellant Keerthana was appointed as Manager (Agri) vide order dated 13.01.2021 in the third respondent Union. This appointment order was subsequently cancelled by the Commissioner of Milk Production and Diary Development Department, Mathavaram Milk Colony, Chennai vide order dated 30.12.2022. Consequently, the appellant was relieved from service on 06.01.2023. Challenging the same, the appellant filed W.P.(MD)No.10177 of 2023. The learned single Judge vide order dated 16.02.2024 dismissed the writ petition. Aggrieved by the same, this appeal has been filed.

3. It is not in dispute that during the relevant time, when the recruitment process took place and the appellant was appointed, the appellant's father Thiru.Saravanamuthu was working as Assistant General Manager in the third respondent union. The learned single Judge relying on Rule 63 r/w Rule 149(5) of the Tamil Nadu Co-operative Societies Rules, 1988 come to the conclusion that the appellant was not qualified to be appointed. The said Rules are as under:-



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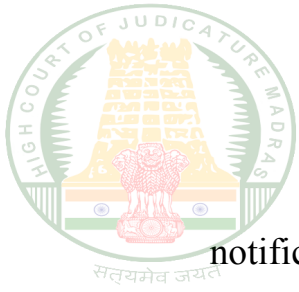
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“149(5). No person who is a near relative as specified in Rule 63, of a member of the Board or an officer of a society shall be appointed to any post in the service of such society. If a doubt arise as to whether a person is or is not a near relative of a member of the board or of an officer of a society, the board shall refer it to the Registrar for decision.

63.Near relations of a paid employee for purposes of disqualification for membership of the board:- For the purpose of clause (a) of sub-section (1) of Section 34, the following near relations of the paid employee shall be disqualified for membership of the board, namely:-

- (1) Spouse (wife or husband)
- (2) Father (including step-father)”

4. The learned counsel for the appellant tried to convince that the appellant's father's substantive appointment was with Madurai Union and he was working only on deputation during the relevant time in the third respondent union. The rule does not make any such distinction. The fact is that during the relevant time, the appellant's father was an officer working in the third respondent union. Therefore, the appellant could not have been appointed. On that sole ground, the order of the learned single Judge as well as the cancellation order will have to be sustained. That apart, it has been found that when the recruitment



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notification was issued, there was no sanctioned post of Manager (Agri).

We do not want to go into any other reason. It is also relevant to note that the cancellation orders were not passed arbitrarily. Enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act was conducted and only after the facts were thoroughly ascertained, the impugned orders came to be passed.

5. The order of the learned single Judge is confirmed. The Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
14.07.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

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To

- 1.The Commissioner of Milk Production
and Diary Development Department,
Mathavaram Milk Colony,
Chennai-600 051.
- 2.The Deputy Registrar (Dairying)
Dairy Development Department,
Aavin Complex,
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