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Court : Chennai Madurai

Decided On : Oct-13-2015

Judge : T. Raja

Appeal No. : Writ Petition(MD)No. 18423 of 2015 & Miscellaneous Petition(MD)Nos. 1 to 3 of 2015

Appellant : T. Elankamban

Respondent : The Commissioner, Milk Produce and Development Department Office, Chennai and Other

Judgement :

(Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records relating to the resolution No.1 and 2 passed by the 3rd respondent dated 10.08.2015 and quash the same.)

1. This Writ Petition has been filed by T.Elankamban, who has been elected as one of the Directors of the Board in M/s 194 Alawakottai Milk Producers Cooperative Society Limited in the year 2013 and now, he is serving as Vice President of the said society, challenging the resolution Nos.1 and 2 of the society dated 10.08.2015, in which, the order of suspension passed against one P.Ravichandran, Secretary, has been revoked, on the basis of the order passed

by this Court in W.P(MD).No.3419 of 2014 and W.P(MD)No.15075 of 2014 dated 11.09.2014, directing the respondent to consider the case of the petitioner for revocation of suspension.

2. Learned counsel appearing for the petitioner, assailing the impugned order of suspension, would submit that when the said Ravichandran, who was serving as Secretary, was under suspension on 06.09.2013 and the charge memo was also issued subsequently on 27.11.2013, before passing final order by holding departmental proceedings, the revocation of suspension by passing resolution, is liable to be set aside.

3. In reply, the learned Additional Government Pleader appearing for the respondents would submit that when the said Ravichandran has approached this Court by filing W.P(MD).No.3419 of 2014 and W.P(MD)No.15075 of 2014, this Court by an order dated 11.09.2014, directed the respondents to consider the representation to revoke the suspension order, since the said Ravichandran was kept under long suspension from 06.09.2013. Only in the light of the order passed by this Court, the order of suspension dated 06.09.2013 was revoked by passing a due resolution. Therefore, the petitioner, being a Vice President of the society, is not entitled to come to this Court to challenge the impugned resolution, since the resolution has been passed by the society.

4. This Court finds merits on the submissions made by the learned Additional Government Pleader appearing for the respondents for the reason that the petitioner, being the Vice President, is bound by the resolution passed by the society, therefore, he is not legally entitled to challenge the decision taken by the society to revoke the suspension order dated 06.09.2013 on the basis of the direction given by this Court in W.P(MD).No.3419 of 2014 and W.P(MD)No.15075 of 2014 dated 11.09.2014.

5. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.