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Item No.102

COURT No. 4

SEC.XII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL No. 493/1999 @@
EE

K. Selvamony

Appellant(s)

VERSUS

State of T.N. & Ors.

Respondent (s)

With Office Report
WITH C.A. No. 494/1999

Date : 08.11.2000 This appeal was called on for hearing today.@@
AA

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s) Mr. K.V. Viswanathan,Adv. for
Mr. K.V. Venkataraman,Adv.

Mr. V. Balachandran,Adv.

For the Respondent(s) Mr. R.Mohan,Sr.Adv.
Mr. V. Krishna Murthy,Adv.

UPON hearing counsel, the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J.
.SP2

The Appeals are disposed of.

.SP1

(Y.P.Dhamija) (Asha Joshi)@@
AA
COURT MASTER Section Officer

Signed order is placed on the file.

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.PL56

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 493/1999@@
EE

K. Selvamony

...Appellant

Vs.

State of T.N. & Ors.

...Respondents

WITH C.A. 494/1999@@
EEEEEEEEEEEEEEEEEEEE

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....J.
.SP2

C.A. No. 493/1999: This appeal is directed against@@
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an order of the Madras High Court where the appellant had assailed the legality of his order of transfer. The High Court did not examine the merits of the same on a finding that Tamil Nadu Milk Co-operative Milk Producers' Federation, the employer of the appellant is not a State and as such not amenable the writ jurisdiction of the Court. It is reported to us that in the meantime the appellant has already superannuated and is no longer in service. In this view of the matter, it will not be appropriate for this Court to examine the question as to whether the Milk Federation is a State or not and also the legality of the order of transfer which the appellant had assailed in the Writ Petition filed before the Madras High Court. The issue raised does not survive for our consideration.

It is stated that in disciplinary proceedings the employer had inflicted some punishment. We need not express out opinion on the legality of the same and it would be open

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for the appellant to take such remedial measure available as is advised him under the law.

The appeal is disposed of accordingly.

C.A. No. 494/1999: This appeal is directed against@@
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the judgment of the Madras High Court where the appellant had assailed the legality of an order of suspension passed by the respondent. The High Court did not entertain to examine the merits of the contentions being of the view that no Writ would lie against the Management Director of Tamil Nadu Milk Producers Federation, which is a society under the Co-operative Societies Act. In the meantime, it is stated that a regular departmental proceeding has been initiated and no final decision has been taken therein. In that view of the matter, we are not inclined to examine the contentions raised in this appeal and we leave the same open to be urged and agitated at an appropriate stage, in the event the appellant chooses to challenge an adverse order, if any, to be passed in the departmental proceedings.

The appeal is disposed of accordingly.

.SP1

.....J.
(G.B. PATTANAİK)

New Delhi,
November 08, 2000

.....J.
(B.N. AGRAWAL)

O R D E R@@
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.SP2