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W.P.No.25411 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 04.08.2026

Pronounced on : 07.08.2026

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.25411 of 2011
and
M.P.Nos.2 of 2011 & 1 of 2013

M.Mani
S/o. Thiru.A.Munusamy,
No.277/1, 2nd Street,
Sakthi Nagar, Alappakkam Village,
Vallam Post, Chengalpet – 603 002,
Kancheepuram District.

... Petitioner

vs

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Industries Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner of Sugar/
(Appellate Authority)
Registrar of Co-operative Sugar Mills Ltd.,
Chennai – 600 035.
3. The Commissioner of Sugar/
(Revision Authority),
Registrar of Co-operative Sugar Mills Ltd.,
Chennai – 600 035.



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4. The Tiruttani Co-operative Sugar Mills Ltd.,
Rep. by its Administrator,
Thiruvalangadu, Tiruvallur District.

5. Thiru.R.Dhayalan,
Administrator,
Tiruttani Co-operative Sugar Mills Ltd.,
Thiruvalangadu, Tiruvallur District.

Now working as Joint Director of Agriculture,
O/o. Oil seeds, Ezhilagam,
Chepauk, Chennai – 5.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relevant to the impugned order in Na.Ka.E1/2627/01 dated 17.07.2008 passed by the fourth respondent, the order of appeal in RC.No.18002/SLI/2008 dated 14.08.2009 passed by the third respondent and the order of revision in RC.No.8125/SL1/2009 dated 17.12.2009 passed unreasonable, arbitrary against the Rule of law and natural justice and thereby direct the respondents to reinstate the petitioner into the service as Cane Development Assistant and pay back all the service benefits with continuities service to the petitioner from 17.07.2008.

For Petitioner : Mr.M.Dharanidharan

For Respondents : Mr.C.P.Goutham
Government Advocate for R1 to R3
: Mr.L.P.Shanmugasundaram for R4
: Mr.S.Sivashanmugam for R5

ORDER



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The petitioner by the present writ petition has assailed the correctness of the proceedings/order dated 17.07.2008 passed by the fourth respondent, as affirmed in appeal *vide* order dated 14.08.2009 by the third respondent and further affirmed in revision *vide* order dated 17.12.2009 passed by the second respondent as being illegal, improper, unreasonable, arbitrary, against the Rule of law and the natural justice and sought for quashing the same.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the Respondents 1 to 3, learned counsel for the fourth respondent, learned counsel for the fifth respondent and perused the records.

3. Shorn of unnecessary details, the case of the petitioner in brief is that he was issued with charge memo dated 11.07.2001 containing two articles of charge; that he had submitted his reply to the same on 23.08.2001; that the respondents, finding his explanation not-satisfactory, appointed enquiry officer, who after conducting the enquiry, submitted his enquiry report dated 14.02.2004 holding that the first charge as not proved, while the second charge as proved; that the fourth respondent, four years after receiving the enquiry report, passed the



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order dated 17.07.2008 dismissing him from service; that by the time, the respondents had passed the impugned order in relation to the disciplinary proceedings initiated against him in 2001, he was aged about 55 years; and that the impugned order suffers from violation of principles of natural justice.

4. It is the further case of the petitioner that the impugned order was passed by the person against whom he had lodged a complaint on 01.07.2001; that on account of the said complaint, the 4th respondent bore grudge against him and had passed the order against him on assuming the office, without furnishing the documents.

5. The petitioner further contended that the appellate authority as well as in revisional authority had affirmed the said order without assigning any reasons by passing a speaking order and thus, the impugned proceedings are vitiated. Petitioner also contended that the fourth respondent had passed the impugned order against him out of vengeance for having lodged a complaint in 2001; that in the cross-examination, before the enquiry officer, the management representative having admitted the fact of the petitioner not being responsible for arranging



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payment from the Mill to the supplier/farmer, could not have held that the second charge as proved; that the punishment awarded to the petitioner is disproportionate to the proved charge; that the said punishment has been awarded only on account of the petitioner being the President of the Tamil Nadu Co-operative and Public Sector Sugar Mills Cane Assistants State Federation since 1998 and also having acted as the President of the Cane Assistant's Association of the fourth respondent Mills since 1984.

6. Contending as above, the petitioner seeks for setting aside the impugned order and to grant consequential benefits.

7. The fourth respondent had filed counter affidavit on behalf of the respondents.

8. On behalf of the respondents, while denying writ averments, it is contended that the petitioner was entrusted with the work of supplying root cane to registered members and increasing the number of farmers; that contrary to such entrustment, the petitioner temporarily misappropriated a sum of Rs.10,000/- from the account of one farmer by name Mr.K.Subramani Naidu, who had supplied



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40.870 tons of cane seed to the Mill was entitled to receive the payment of Rs.34,732/-; that for the said supply made during February 2001, the petitioner got paid only a sum of Rs.24,732/- to the farmer and temporarily misappropriated a sum of Rs.10,000/- which was made good by the petitioner only on 22.06.2012; that such non-payment to the cane seed supplier came to light only during the regular audit enquiry; that by the aforesaid act, the petitioner had brought serious disrepute to the respondents and the petitioner also violated standing orders of the respondents.

9. It is also contended by the respondents that against the impugned order passed by the fourth respondent dated 17.07.2008, the petitioner had availed the remedy of appeal and revision; and that the petitioner having availed all the opportunities, cannot, after a lapse of more than two years, after the order of the fourth respondent has been affirmed by the second respondent, lay a challenge to the proceedings of the fourth respondent dated 17.07.2008; that the petitioner, by the time, filed a present writ petition, had crossed the age of superannuation; and thus, the present writ petition suffers on account of delay and laches.

10. On behalf of the respondents, it is also contended that the petitioner



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had committed the grave misconduct of temporary misappropriation of the amount to be paid to a farmer; that the allegation of victimisation of petitioner does not stand for scrutiny, as the petitioner himself, with a dishonest intention, had temporarily misappropriated the amount to be received by a farmer, which speaks volumes of the conduct of the petitioner; that the punishment imposed by the fourth respondent commensurates with the proved charge, particularly when the petitioner is required to protect the interest of the farmers, having acted contrary to his duties and Rules.

11. Contending as above, the respondents seek for dismissal of the writ petition.

12. I have taken note of the respective contentions urged.

13. Insofar as the challenge to the order of disciplinary authority, which has been affirmed in appeal as well as in revision, in a writ petition filed under Article 226 of Constitution of India is concerned, the scope of judicial review is limited to examine:



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(i) Whether the authority who initiated disciplinary proceedings had jurisdiction;

(ii) Whether the proceedings were conducted in accordance with the statutory rules;

(iii) Whether there was any violation of principles of natural justice; and

(iv) Whether the punishment awarded for the proved charge is so harsh that it shocks the conscience of the Court?

14. Further, in order to lay a challenge to the order of the disciplinary authority, as affirmed in appeal and revision, in a writ petition, the applicant is required to approach the Court, if not immediately but within a reasonable time; and that approaching the Court invoking the extraordinary jurisdiction after the said order had attained finality, the Court is required to examine as to whether sufficient cause has been shown for not approaching the Court and invoking the jurisdiction of the Court at the earliest point of time.

15. In the facts of the present case, the order dismissing the petitioner



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from service was passed by the fourth respondent on 17.07.2008 and the petitioner thereafter had availed the remedy of appeal and further revision, wherein orders were passed on 14.08.2009 and 17.12.2009 respectively. Thus, by 17.12.2009, the petitioner had exhausted the remedies available to him under the Service Rules before attaining the age of superannuation. The petitioner, despite having two years of remaining service before attaining the age of superannuation, did not seek to challenge the impugned proceedings immediately thereafter and on the other hand, waited till 01.11.2011 and approached this Court by filing the present writ petition, after attaining the age of superannuation.

16. Though, it is contended by the petitioner of he pursuing the matter by filing a review petition before the first respondent, even the said action taken by the petitioner was after a lapse of one year from the date of passing of the order by the second respondent. Thus, the claim of the petitioner of he pursuing the matter diligently does not appeal to this Court for being accepted as a *bona fide* claim.

17. Insofar as the challenge to the order of the fourth respondent, by



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which the petitioner was visited with the punishment of dismissal from service, on the ground of violation of principles of natural justice, on account of non-furnishing of documents is concerned, it is not shown to this Court that the petitioner having raised such plea in the course of the enquiry proceedings for defending himself. On the other hand, the petitioner having taken part in the enquiry proceedings and cross-examining the Management representative extensively, only goes to show that the plea now urged of non-furnishing of documents, is only invented to make out a ground in subsequent proceedings.

18. Further, the claim of the petitioner that since, he had lodged a complaint against the fourth respondent on 01.07.2001, the fourth respondent on assuming charge of the office of the Joint Registrar/Administrator, keeping in mind, the said complaint lodged by him earlier, had passed the impugned order to wreck vengeance, a perusal of the alleged complaint dated 01.07.2001, which the petitioner claims as the cause for the fourth respondent to pass the order against him, would firstly show that the same is addressed to the Chief Minister and is not addressed to the concerned authority, for the petitioner to claim that the fourth respondent having knowledge of the same and keeping the said complaint in mind



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having passed the impugned order, thereby the order being vitiated.

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19. Secondly, there is no proof of the said complaint having been in fact filed with the Chief Minister's Office. Though, a copy of the said complaint is stated to have been marked to the Secretary/Commissioner, Director of Industries, no proof of the same being filed before the concerned authority is placed on record for this Court to appreciate the contention of the fourth respondent having acted with vengeance against the petitioner while passing the impugned order keeping the said complaint in mind.

20. Further, it is pertinent to note that the said complaint, which the petitioner claimed as having submitted on 01.07.2001, contains enclosures like letters dated 20.06.2008, 27.06.2008, two other letters dated 20.06.2008 and another letter dated 06.06.2008 which are of a later period. It is this aspect which had raised a doubt in the mind of this Court as to the correctness or otherwise of the translated copy of the material papers filed by the petitioner into this Court. On this Court comparing the translated copy of the documents with the original set of material papers which are in vernacular language filed along with the writ petition,



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the said letter by which the petitioner claims to have made a complaint against 4th respondent is filed at Page – 32. The said letter bears the date as 01.07.2008 and is signed by the petitioner as State President and One G.Vedhachalam as Secretary and the petitioner had affixed the date under his signature as “01.07” and is not 01.07.2001, mentioned at 2 places in the translated copy. Thus, the contention of the petitioner that the fourth respondent keeping the above said complaint in mind had passed the order appears to be invented for the purpose of the present writ petition by tampering with the date of the alleged complaint in the translated type set as filed into this Court. Thus, the claim of the petitioner, of the fourth respondent keeping a grudge against him for having lodged a complaint on 01.07.2001, had passed the impugned order, can only be considered as being made to cause prejudice against the 4th respondent, in order to obtain favourable orders from this Court, notwithstanding the fact that the disciplinary proceedings were initiated against the petitioner by issuing charge memo dated 11.07.2001 and the enquiry officer having submitted his report dated 14.02.2004 holding that the first charge as not proved and the second charge as proved.

21. Further, even assuming the petitioner had lodged complaint against



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the 4th respondent as 01.07.2008 and is wrongly typed as 01.07.2001 in the translated type set, the timing of lodging of the complaint by the petitioner as the State President to the Office of the Chief Minister can only be considered as to ward off any action being taken against him in respect of the concluded enquiry proceedings. Thus, the said contention urged does not merit consideration.

22. Insofar as the claim of the petitioner of he pursuing the matter against the orders of the fourth respondent, as affirmed by the third and second respondents, by submitting a review petition to the first respondent, as rightly contended by the respondents, the said review petition was filed on 10.01.2011 after the second respondent had confirmed the order of the third respondent in appeal, which, in turn, affirmed the order of the fourth respondent, by his order dated 17.12.2009. Between 17.12.2009 till 10.01.2011, one entire calendar year ie., 2010, had passed by.

23. In the writ affidavit filed by the petitioner, there is no explanation forthcoming as to why the petitioner could not approach this Court at an earlier point of time. Though it is contended by the petitioner that he having made further



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representation in September 2010 to the second respondent and that the second respondent issuing proceedings in October 2010, it is a settled position of law that mere submission of a representation, after the authority becoming *functus officio*, cannot either extend the limitation or on rejection of the said representation, confer a right on the applicant to challenge the said proceedings as being in time so as to invoke the extraordinary jurisdiction of this Court under Article 226 of Constitution of India.

24. The Hon'ble Apex Court on the aspect of delay and laches particularly in service matters in the case of ***State of Jammu & Kashmir v. R.K.Zalpuri and others*** – (2015) 15 SCC 602, observed as under:

“ 27. The grievance agitated by the respondent did not deserve to be addressed on merits, for doctrine of delay and laches had already visited his claim like the chill of death which does not spare anyone even the one who fosters the idea and nurtures the attitude that he can sleep to avoid death and eventually proclaim “*deo gratias*”—“*thanks to God*”. ”.

25. The Apex Court in the case of ***Chennai Metropolitan Water Supply and Sewerage Board and Others Vs. T.T.Murali Babu*** reported in (2014) 4 SCC



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108 dealt with the aspect of delay and laches held as under:

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“□ 16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the Court would be under legal obligation to scrutinize whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the Court. Delay reflects inactivity and inaction on the part of a litigant □ a litigant who has forgotten the basic norms, namely, □procrastination is the greatest thief of time□ and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis. In the case at hand, though there has been four years□ delay in approaching the court, yet the writ court chose not to address the same. It is the duty of the court to scrutinize whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach gains more significance as the respondent~employee being absolutely



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careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect others. Such delay may have impact on others – ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability, may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons – who compete with – Kumbhakarna – or for that matter – Rip Van Winkle –. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold.”

26. Further, the Apex Court in the case of **Karnataka Power Corporation Ltd., vs. Thangappan and Another** reported in (2006) 4 SCC 322 held dealing with the aspect of delay and laches held as under:

“6. Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution. In an appropriate case the High Court may refuse to invoke its



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extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is involved the matter is still within the discretion of the Court as pointed out in Durga Prasad v. Chief Controller of Imports and Exports [(1969) 1 SCC 185 : AIR 1970 SC 769] . Of course, the discretion has to be exercised judicially and reasonably.”

27. The Hon’ble Supreme Court in ***Mrinmoy Maity vs. Chhanda Koley and Others, (2024) 15 SCC 215***, dealing with maintainability of writ petition with delay has held as under :-

9. “... This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be born in mind by the High Court while exercising discretionary powers Under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.”

11. “..... If it is found that the writ Petitioner is guilty of



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delay and latches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction Under Article 226, the High Court will have to necessarily take into consideration the delay and latches on the part of the applicant in approaching a writ court.”

28. A conspectus of law as laid down by the Hon'ble Apex Court would show that a writ petition should not be entertained for mere asking of it, even if the aggrieved party does not approach the Court in time. This is by applying the principle, that the Court will come to the aid of the diligent, but not to an indolent.

29. The petitioner in the present case having allowed the order of the fourth respondent dated 17.07.2008 to attain the finality on the appeal and revision being dismissed by the third and second respondent by orders dated 14.09.2009 and 17.12.2009 respectively, cannot be permitted to lay a challenge to the said proceedings of the fourth respondent after a lapse of more than three years i.e., from 17.07.2008 till 01.11.2011. Thus, this Court has no hesitation to hold that the



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challenge by the petitioner in the present writ petition to the impugned proceedings is hit by the principles of delay and laches.

30. Though it is contended by the petitioner that the order of the second respondent dated 17.12.2009 is a non-speaking order and thus, amounts to a violation of principles of natural justice, firstly, it is to be noted that it is not the order, by which the petitioner is visited with punishment, but is passed in exercise of the review power on a petition filed by the petitioner after the order of the fourth respondent i.e., disciplinary authority has been appealed against and the petitioner having failed in the said appeal. The second respondent being a reviewing authority is only required to see whether the order of disciplinary authority so also the order of appellate authority has reasons in it. If the reviewing authority is concurring with the findings of the disciplinary authority, who is the sole Judge of the facts and the appellate authority who is also empowered to examine the facts, there is no need to record reasons once again. It is only when reviewing authority disagrees with reasoning of disciplinary or the appellate authority, such order should contain reasons.



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31. The Apex Court in the case of *State of Rajasthan Vs.*

Bhubendarsingh reported in *2024 SCC Online SC 1908*, had held that where a disciplinary authority accepts the findings of the enquiry officer and imposes punishment basis the same, no elaborate reasons are required.

32. In the present case the disciplinary authority while awarding punishment having given detailed reasons and the appellate authority while considering the appeal filed by the petitioner having independently considered the matter, the order of the reviewing authority cannot be put on a higher pedestal merely because of being conferred with power review, requiring him to record reasons even where he is concurring with the findings recorded by the disciplinary authority and appellate authority, for this Court to uphold the contention of the petitioner, that on account of non recording of reasons, the order of the 2nd respondent is vitiated and is in violation of principles of natural justice.

33. Thus, the challenge to the impugned proceedings on this ground has to fail.



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34. In view of the above discussion and considered from any angle, the impugned proceedings of the fourth respondent dated 17.07.2008 as affirmed in appeal by the third respondent vide proceedings dated 14.08.2009 further affirmed by rejection of review petition by the second respondent vide proceedings dated 17.12.2009 cannot be held to be vitiated, calling for interference by this Court.

35. Accordingly, the writ petition as filed is devoid of merits and is dismissed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

07.08.2026

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
dh



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Pre-delivery order made in
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