

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.4.2015.

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.10848 of 2015

and

M.P.No.1 of 2015

C.Anbalagan

Petitioner

vs.

- 1 The Managing Director
The Tamilnadu Co-operative Milk
Producers Federation Ltd.
Aavin Illam
Madhavaram Milk Colony
Chennai-600 051.
- 2 The Commissioner
Chennai Co-Operative Milk Producers
Commission
Madhavaram Chennai-600 051.
- 3 The General Manager
Erode District Co-operative Milk
Producers Union Ltd.
Vasavi College Post
Erode-638 315.
- 4 The Deputy General Manager
(Production)
Erode District Co-operative
Milk Producers Union Ltd.
Vasavi College Post
Erode-638 315.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 3rd respondent to conclude and pass final order in the departmental proceedings relating to Na.Ka.No.8916A/2013/ESTT&D/E4 and consequentially disburse the retirement benefits to and in favour of the petitioner by considering the petitioner's reply and representation dated 24.12.2014, 13.03.2015 and 21.3.2015.

For Petitioner : Mr.R.Marudhachalamurthy
For RR1, 3 and 4 : Mr.T.K.Ashok Kumar
For R2 : Mr.D.Venkatachalam, Govt. Advocate

ORDER

The writ petition has been filed by Mr.C.Anbalagan seeking a limited prayer of issuance of a writ of mandamus to direct the third respondent General Manager, Erode District Co-operative Milk Producers Union Ltd to pass final order so that the petitioner's retirement benefits could be disbursed at an early date.

2. The petitioner was proceeded departmentally by the third respondent for various allegations. Finally, the domestic enquiry was completed on the submission of the report of the enquiry officer on 15.8.2014. In the meanwhile, the petitioner was allowed to retire from service on reaching the age of superannuation on 31.3.2014 without prejudice to the outcome of the disciplinary action initiated against the petitioner. Therefore, the grievance of the petitioner is that after completion of the departmental proceedings when the enquiry officer has submitted a report on 15.8.2014, the second show cause notice was issued on 20.11.2014 for which the petitioner also submitted representation on 24.12.2014, followed by another representations dated 13.3.2015 and 21.3.2015 but, till date, no final order has been passed and on this score, the petitioner sought for a simple direction directing the third respondent to pass final order.

3. Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner, Mr.T.K.Ashokkumar, who accepts notice for respondents 1 to 3 and Mr.D.Venkatachalam, learned Government Advocate, who accepts notice for the second respondent.

4. As the petitioner, against whom departmental proceedings were initiated, was allowed to retire from service on attaining the age of superannuation on 31.3.2014, this court keeping in mind that the petitioner also has submitted his representations dated 24.12.2014, 13.3.2015 and 21.3.2015 to the report of the enquiry officer, the third respondent is hereby directed to pass final orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

5. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

- 1 The Managing Director
The Tamilnadu Co-operative Milk
Producers Federation Ltd.
Aavin Illam Madhavaram Milk Colony
Chennai-600 051.
- 2 The Commissioner
Chennai Co-Operative Milk Producers Commission
Madhavaram Chennai-600 051.
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(Production)
Erode District Co-operative
Milk Producers Union Ltd.
Vasavi College Post Erode-638 315.

+ 1 cc to Mr.R.Marudhachalamurty, Advocate SR 20759

+ 1 cc to Mr.T.K.Ashok Kumar, Advocate SR 20621

+ 1 cc to Government Pleader SR 20617

cnr(co)
prk20/4

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