



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2015

CORAM:

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

W.P. (MD) No. 748 of 2015

K. Thangarajan

... Petitioner

Vs.

1. The Commissioner,
Milk Production and Dairy Development,
Madhavaram Milk Colony,
Chennai-600 051.

2. The Managing Director,
Tamil Nadu Co-operative Milk Producers
Federation Ltd.,
Madhavaram Milk Colony,
Chennai-600 051.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari and Mandamus to call for the records pertaining to the charge memo in Ref. no. 1023/Pers. IR. 2/2012 dated 23.12.2014 on the file of the second respondent and quash the same as illegal and consequently direct the second respondent to pass final orders in the earlier charge memo issued dated 27.02.2012.

For Petitioner : Mr. T. Lajapathi Roy

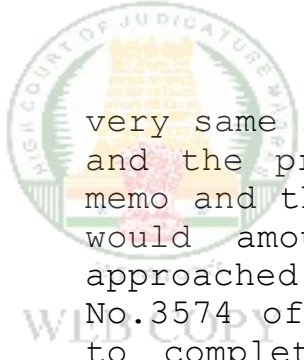
For Respondents : Mr. M. Raja Rajan
Govt. Advocate takes Notice

ORDER

Mr. M. Raja Rajan, learned Government Advocate takes notice for the respondents and by consent of both the parties, the main writ petition itself is taken up for final disposal at the stage of admission.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. This writ petition is filed challenging the charge memo dated 23.12.2014 and for a consequential direction to the second respondent to pass final orders in the earlier charge memo issued on 27.02.2012. The present writ petition is filed challenging the impugned charge memo mainly on the ground that in respect of the



very same incident, already a charge memo was issued on 27.02.2012 and the proceedings are pending in pursuant to the said charge memo and therefore, the present charge memo cannot be issued as it would amount to *double jeopardy*. In fact, the petitioner approached this Court earlier by filing a writ petition in W.P(MD) No.3574 of 2014 seeking for a Mandamus directing the respondents to complete the disciplinary proceedings initiated against the petitioner in pursuant to the charge memo dated 27.02.2012 and by an order dated 10.03.2014, this Court disposed of the said writ petition with a direction to the respondents therein to complete the disciplinary proceedings within a period of three months. Now, the present charge memo is issued on 23.12.2014 containing 11 charges.

4. A perusal of the charges framed in the impugned charge memo in this writ petition would show that they are not one and the same as found in the earlier charge memo dated 27.02.2012. The earlier charge memo contains six charges which are as follows:-

"Charge No.1:

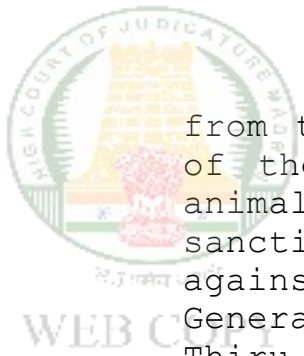
That Thiru K.Thangarajan filed to implement the Integrated Dairy Farming Scheme as per the guidelines issued by the Federation vide reference No.1390/MP-1/09 dated 03.02.2010 by selection societies which are not viable. In the circumstances Thiru K.Thangarajan as General Manager has failed to implement the scheme properly and acted for his personal benefits.

Charge No.2:-

That Thiru K.Thangarajan, in abuse of his powers coerced the selection committee members as well as the extension officers to choose societies other than the viable societies already selected and recommended by the committee for implementation of the scheme. The Integrated Dairy Farming Scheme is for improvement of women members of Self Help Group attached to the Milk Producers' Cooperative Societies. The members of Self Help Group selected under the IDF scheme except one society i.e Murukodai MPCS were not benefited and thus the aim of the scheme was not fulfilled. The Milk Producers' Co-operatives societies selected for implementation of the scheme should not be dormant societies but should be viable societies. However, Thiru K.Thiagarajan, as General Manager had changed the societies by threatening the extension officers and selection committee members, which therefore resulted in selection of not viable societies.

Charge No.3:-

That Thiru K.Thangarajan ordered for purchase of animals even before getting the loan sanctioning letter



from the financial institutions against the guidelines of the Federation and that in a number of instances animals have been purchased before getting the loan sanctioning letter from the financial institutions against the guidelines of the Federation. As the General Manager, it is the responsibility of Thiru.K.Thangarajan, that only after receipt of letter from the financial institutions, loan sanctioning letter should have been issued by him.

Charge No.4:-

That Thiru K.Thangarajan, as General Manager along with the selection Committee members instead of purchasing the animals from other States had purchased the animals from within the State resulting in non-augmentation of milk. The Animals purchased under the IDF Scheme were also sold by the beneficiaries due to poor quality.

Charge No.5:-

That Thiru K.Thangarajan, threatened the officers to change the Societies that was selected as per the norms and coerced them to include ineligible Societies in the list for implementation of IDF scheme.

Charge No.6:-

That the above misconduct of Thiru K.Thangarajan, resulted in defeat of a scheme for the upliftment of rural economy in Madurai and Theni Districts and this was done purposefully for his personal benefits. This attracts Rule 1,3 and 10 of the Special Bye-laws of the Federation.

The present charge memo contains 11 charges which are as follows:

Charge No.1:

That the dormant/newly started Societies procuring less quantity of milk, namely Paduvarpatty, Mayapuram Milk Societies in Madurai District, Sitharapatty Colony, Vaikalparai, Urakundan and Sevanilayam Milk Societies in Theni District were selected under integrated Dairy Farm Scheme by Thiru K.Thangapandian, instead of selecting viable Societies for implementing Integrated Dairy Farm Scheme, he selected dormant/newly started Societies. Thus, he was violated the guidelines issued by the Government.

Charge No.2:

That the Milch Animals under Integrated Dairy Farm Scheme purchased in Oopidamangalam market at Karur District, in Tamil Nadu by the selection and screening committee members instead of purchasing it from other



than Tamil Nadu and Pondicherry State as per the instructions of Thiru K.Thangarajan for 17 Societies. Thus, he has violated the guidelines issued by the Government.

Charge No.3:

That to prove that the Milch animals were purchased in Kerala State, false check post certificates were obtained at Tamil Nadu-Kerala Border check post for 18 Societies selected under Integrated Dairy Farm Scheme by the instructions of Thiru K.Thangarajan.

Charge No.4:

That despite the guidelines of Integrated Dairy Farm Scheme, Green Fodder subsidy amount of Rs.5,000/- per acre was not disbursed to the selected 19 Milk Societies and returned to the Government, but disbursed only to Mayapuram and Poduvarpatty Milk Societies by Thiru K.Thangarajan. Thus he has violated the guidelines issued by the Government.

Charge No.5:

That despite the guidelines of Integrated Dairy Farm Schemes issued by the Government, the subsidy amount of Rs.10,000/- per Society, as electricity connection charges for the community shed was not disbursed to all 21 Societies by Thiru K.Thangarajan and returned the amount to the Government account. Thus, he has violated the guidelines issued by the Government.

Charge No.6:

That the Animals purchased under Integrated Dairy Farm Scheme were not maintained in the community shed after six months to 2 years. This proves the slack supervision and that proper instructions were not given by Thiru K.Thangarajan to the beneficiaries and he failed to implement the Integrated Dairy Farms Scheme properly.

Charge No.7:

That the animals purchased under Integrated Dairy Farm Scheme by 21 Societies of Madurai and Theni District were sold within five years. This proves the slack supervision and that proper instructions were not given by Thiru K.Thangarajan to the beneficiaries and he failed to implement the Integrated Dairy Farm Societies. Thus he has violated the guidelines issued by the Government.

Charge No.8:

That the Self Help Group members did not go to other State for the selection of animals under Integrated Dairy Farm Scheme by 21 Societies of Madurai and Theni District.



This proves the slack supervision and that proper instructions were not given by Thiru K.Thangarajan to the beneficiaries and he failed to implement the Integrated Dairy Farm Scheme. Thus he has violated the guidelines issued by the Government.

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Charge No.9:

That Chaff Cutter Machine and 4 cans for storing milk were not issued to Paduvarpatty and Mayapuram Milk Societies. Two cans for storing milk were not issued to Thethur and three cans for Varusanadu Milk Societies were not issued by Thiru K.Thangarajan. Thus he has violated the guidelines issued by the Government.

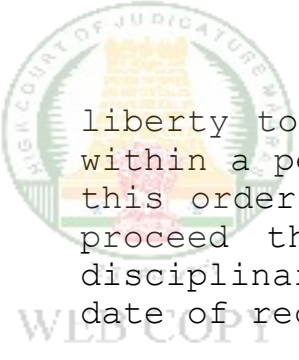
Charge No.10:

That to Select TID 63 Melvaliparai Milk Society and to supply animals to this Society Rs.40,000/- was received as bribe by Thiru K.Thangarajan from Thiru M.Raja S/o Mayandi Thevar, Secretary of the Society. As regards MS 1500 Soliochanpatty Milk Society a chaff cutter machine and 4 milk cans were supplied receiving Rs.10,000/- as bribe by Thiru K.Thangarajan from Thiru R.Karmegam S/o.Rasuthevar, Secretary of the Society. As regards Mayapuram Society, chaff cutter machine and four milk cans were issued after receiving Rs.10,000/- as bribe by Thiru K.Thangarajan from Thiru K.Selvam S/o. Kannan, Secretary of the Society. As regards Sevanilayam Milk Society, chaff cutter and milk machine were supplied to the Society after receiving Rs.10,000/- as bribe by Thiru K.Thangarajan from Thiru A.Thangaraj S/o. Ayavoo, Secretary of the Society.

Charge No.11

That the above misconduct of Thiru K.Thangarajan resulted in defeat of a Scheme for the upliftment or rural economy in Madurai and Theni District and this was done purposefully for his personal benefits. This attracts Rule 1, 3 and 10 of the Special Bye-laws of the Federation.

5. A comparative reading of both charge memos would show that the charges levelled against the petitioner in charge memo dated 27.02.2012 and 23.12.2014 are not one and the same. Therefore, I am of the view that the present writ petition cannot be entertained since the reason stated that in respect of the very same allegations, earlier charge memo was framed and pending, is not factually correct. I find that this Court cannot interfere with the charge memo, as it is for the petitioner to give explanation to the same and face the enquiry thereafter. Accordingly, the writ petition is dismissed, however, giving



liberty to the petitioner to give explanation to the charge memo within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation, the respondent shall proceed thereafter in accordance with law and dispose of the disciplinary proceedings within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub-Assistant Registrar

TO

1. The Commissioner,
Milk Production and Dairy Development,
Madhavaram Milk Colony,
Chennai-600 051.
2. The Managing Director,
Tamil Nadu Co-operative Milk Producers
Federation Ltd.,
Madhavaram Milk Colony, Chennai-600 051.

+One cc to The Special Government Pleader, SR.No.4209

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.No.4119

gsr

RL/5 c- 11/2/2015

W.P. (MD) No.748 of 2015

29.01.2015