

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6113 of 2017 and W.M.P. No.6589 of 2017

R. Chittibabu

...Petitioner

vs.

1 The Commissioner of Sugars
Department of Sugars
No.690 Anna Salai
Nandhanam
Chennai 600 035

2 The District Revenue Officer/Special Officer
Thirupattur Cooperative Sugar Mills Ltd.
Kethandapatti, Vellore District

3 The Managing Director
Thirupattur Cooperative Sugar Mills Ltd.
Kethandapatti
Vellore District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the impugned order of the first respondent dated 30.12.2016 made in Che.Mu.Aa. No.12863/Sa.Tho.1/2015 and to quash the same and consequently, direct the respondents to pay all monetary benefits with backwages within a stipulated time.

For petitioner Mr. C. Prabakaran
For RR 1 & 2 Ms. T. Giriya
Government Advocate
For R3 Mr. R. Bala Ramesh

ORDER

This writ petition has been filed calling in question, the legality and validity of the proceedings dated 30.12.2016 of the Commissioner of Sugars, the first respondent herein, in and by which, the punishment of stoppage of increment for seven years with cumulative effect imposed on the petitioner by the second respondent vide proceedings dated 02.01.2010, has been reduced to stoppage of increment for six years with cumulative effect.

2 The brief facts leading to the filing of this writ petition are as under:

2.1 The petitioner joined the respondent-cooperative mill as Cane Officer on 01.11.1989 on consolidated basis and later, his service was regularised. In 2008, he was issued with a suspension order followed by a charge memo dated 12.11.2008 levelling four charges against him relating to (i) violation of by-laws of the mill, (ii) obtaining illegal gratification from the members of the cooperative mill enabling them to obtain loan from the bank for cultivating sugarcane crop and (iii) making arrangements for non-agreement holders and non-members to get loan from the bank unlawfully.

2.2 In response, the petitioner submitted his explanation dated 19.11.2008 which did not find acceptance with the authorities. Hence, an Enquiry Officer was appointed to enquire into the charges, who, by his report dated 24.09.2009, held that all the charges are proved.

2.3 Eventually, after issuance of second show cause notice dated 30.09.2009 and after receipt of the petitioner's explanation for the same, the Disciplinary Authority, viz., the second respondent, vide order dated 02.01.2010, imposed on the petitioner, the punishment of stoppage of increment for 7 years with cumulative effect. सत्यमेव जयते

2.4 With a delay of three years, questioning the correctness of the punishment order dated 02.01.2010, the petitioner preferred an appeal before the first respondent on 15.05.2013. Albeit the first respondent found that all the four charges were proved beyond any reasonable doubt, he was gracious enough to show some indulgence by modifying the length of punishment from seven years to six years with cumulative effect.

2.5 The aforesaid order of the first respondent has been assailed by the petitioner in the present writ petition.

3 The learned counsel for the petitioner submitted that the impugned order passed by the Appellate Authority is liable to be set aside on the solitary ground that the same is cryptic in nature and is bereft of any reason, much less any cogent and convincing reason.

4 On a perusal of the order impugned herein, it is manifest that by considering the recommendation of the third respondent, viz., the Managing Director of the cooperative mill that the petitioner has rendered blemishless service from 15.12.2011, the Appellate Authority was gracious enough to reduce the length of punishment fixed by the second respondent from seven years to six years. Thus, when the fact remains so, the petitioner cannot be heard to say that no reason whatsoever has been assigned by the Appellate Authority in the impugned order and that the impugned order is cryptic in nature. That apart, notwithstanding the fact that the petitioner has preferred the appeal with an inordinate delay, the Appellate Authority has been very kind in condoning the delay in preferring the appeal and has been gracious enough to reduce the length of punishment. In such view of the matter, this Court is not able to find any merit in this writ petition.

Resultantly, this writ petition is dismissed as being devoid of merits. Costs made easy. Connected W.M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Commissioner of Sugars
Department of Sugars
No.690 Anna Salai
Nandhanam
Chennai 600 035

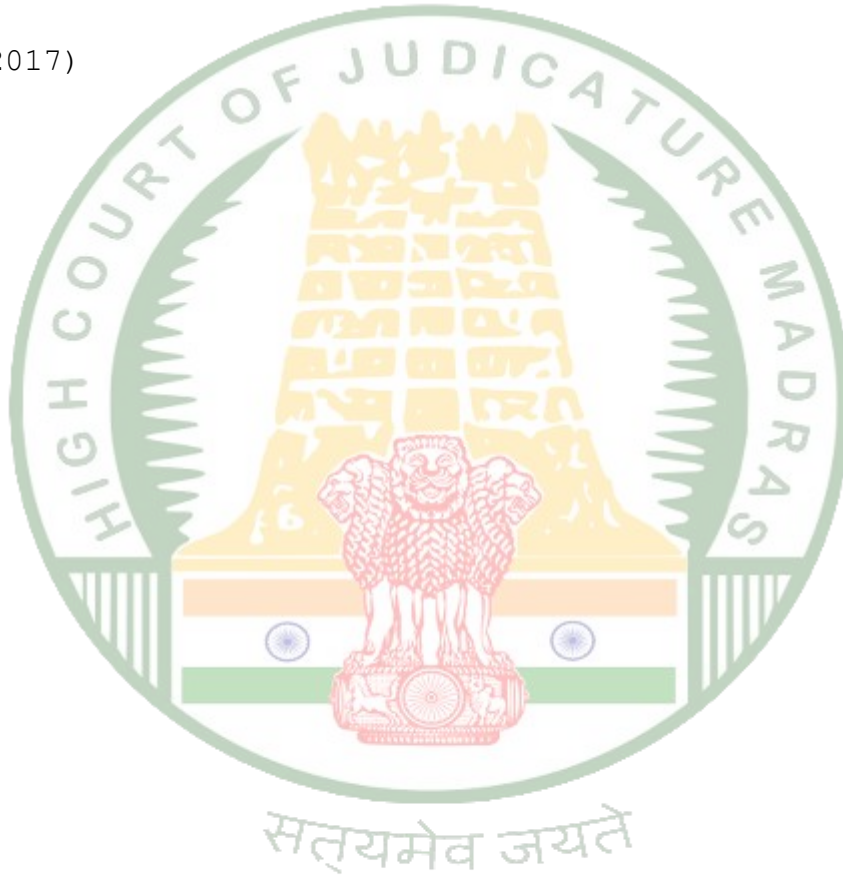
2 The District Revenue Officer/Special Officer
Thirupattur Cooperative Sugar Mills Ltd.
Kethandapatti, Vellore District

3 The Managing Director
Thirupattur Cooperative Sugar Mills Ltd.
Kethandapatti
Vellore District

+1cc to Mr.Prabakaran, Advocate, S.R.No.16080
+1cc to Mr.Bala Ramesh, Advocate, S.R.No.16174
+1cc to the Government Pleader, S.R.No.16255

W.P. No.6113 of 2017

KJ (CO)
RS (28/03/2017)



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