

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.2543 of 2012

S.S.Hariharan

.. Petitioner

Vs.

1.Commissioner of Milk Production and
Dairy Development,
Madhavaram Milk Colony,
Madhavaram, Chennai - 51.

2.Board of Directors,
Tamil Nadu Co-operative Milk
Producers Federation Limited,
Aavin Illam, Madhavaram Milk Colony,
Madhavaram, Chennai - 51.

3.Personal Committee,
Tamil Nadu Co-operative Milk
Producers Federation Limited,
Aavin Illam, Madhavaram Milk Colony,
Madhavaram, Chennai - 51.

4.Managing Director,
Tamil Nadu Co-operative Milk
Producers Federation Limited,
Aavin Illam, Madhavaram Milk Colony,
Madhavaram, Chennai - 51.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the first respondent to decide the Revision Petition preferred by the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 dated 17.07.2010, which has been taken on file as R.C.No.14826/10/M1 and pass orders in accordance with law and on its merits.

For Petitioner .. Mr.R.Kamatchi Sundaresan
for M/s.Balan Haridas

For Respondents.. Mr.L.P.Shanmugha Sundaram,
Spl. Govt. Pleader for R1
Mr.R.Bala Ramesh for R2 to R4

ORDER

The petitioner has approached this Court seeking the following relief:

to issue a writ of mandamus directing the first respondent to decide the Revision Petition preferred by the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 dated 17.07.2010, which has been taken on file as R.C.No.14826/10/M1 and pass orders in accordance with law and on its merits.

2.The case of the petitioner is that he joined the services of the second respondent Federation in the year 1994. While he was working as General Manager (Finance), a charge memo was issued on 25.04.2008 containing four articles of charges. The charges relate to the period from 13.07.1993 to 31.07.1996 when the petitioner was working as Manager (Finance) and Senior Manager (Finance). Not satisfied with the explanation offered by the petitioner, an enquiry was conducted into the charges and a report was submitted on 26.08.2008. The enquiry officer held that charges 1 and 3 were not proved and charges 2 and 4 were proved. On completion of the enquiry, the disciplinary authority imposed the penalty of compulsory retirement on the petitioner vide order dated 29.03.2010. Besides imposing the punishment of compulsory retirement, a sum of Rs.20,89,568/- was also ordered to be recovered.

3.Against the order of the disciplinary authority, the petitioner preferred an appeal to the second respondent. But, however, the appeal was rejected vide order dated 28.06.2010. Against the rejection of the appeal, the petitioner preferred a revision petition to the first respondent on 17.07.2010. Although notice has been issued in the revision petition, according to the learned counsel for the petitioner, revision petition filed under Section 153 of the Tamil Nadu Co-operative Societies Act has not been disposed of till date. The writ petition has been filed for issuance of mandamus directing the first respondent to dispose of the revision petition filed by the petitioner under Section 153 of Tamil Nadu Co-operative Societies Act. Learned counsel would submit that even as on date, the revision petition is pending without being disposed of.

4.Considering the limited prayer sought for, this Court is inclined to grant the direction as prayed for in the writ petition. Learned Special Government appearing for the first respondent would have no objection for issuance of such direction to dispose of the revision petition. In the above

circumstances, the first respondent is directed to dispose of the revision petition dated 17.07.2010 pending on its file after giving notice to the petitioner and pass a considered order on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. With these directions, the writ petition stands disposed of. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

mmi

To

1. The Commissioner of Milk Production and Dairy Development,
Madhavaram Milk Colony,
Madhavaram, Chennai - 51.
2. The Board of Directors,
Tamil Nadu Co-operative Milk Producers Federation Limited,
Aavin Illam, Madhavaram Milk Colony,
Madhavaram, Chennai - 51.
3. The Personal Committee,
Tamil Nadu Co-operative Milk Producers Federation Limited,
Aavin Illam, Madhavaram Milk Colony,
Madhavaram, Chennai - 51.
4. The Managing Director,
Tamil Nadu Co-operative Milk Producers Federation Limited,
Aavin Illam, Madhavaram Milk Colony,
Madhavaram, Chennai - 51.

+1cc to Mr. Balan Haridas, Advocate sr.68447

+1cc to Mr. R. Balaramesh, Advocate sr.69151

+1cc to government Pleader sr.69404

W.P.No.2543 of 2012

br(co)
ss(26/10/2017)