

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.23196 of 2008

- 1.S.Rajendran (Deceased)
- 2.R.Dhanalakshmi
- 3.R.Mohanraj
- 4.Sukanya Kamesh
- 5.Jeevitha Senthilnathan

.. Petitioners

(P4 & P5 are suo motu impleaded as other LRs of the deceased P1 vide order dated 19.11.2018 made in W.P.No.23196 of 2008)

(P2 and P3 substituted as Lrs of the deceased P1 vide order dated 18.07.2019, made in W.M.P.No.38516 of 2016)

Vs.

1. The Chairman,
Personnel Committee,
The Tamil Nadu Co-operative Milk
Producers Federation Ltd.,
Aavin Illam, Milk Colony,
Chennai 600 051.
2. The Managing Director,
The Tamil Nadu Co-operative Milk
Producers Federation Ltd.,
Aavin Illam, Milk Colony,
Chennai 600 051.
3. The General Manager,
The Tamil Nadu Co-operative Milk
Producers Federation Ltd.,
Aavin Illam, Milk Colony,
Chennai 600 051.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records related to the proceeding

No.Ref.No.30269/Pers.IR.1/07 dated 07.01.2008 passed by the 2nd respondent confirming the earlier order of dismissal passed by the 2nd respondent dated 17.07.2004 and quash the same and direct the respondents to reinstate the petitioner in his service and to direct the respondents to issue all consequential benefits to the petitioner.

For Petitioner : Mr.M.Velmurugan

For R1 & R3 : Ms.T.Girija,
Government Advocate

For R2 : Mr.C.R.Dhasarathan

O R D E R

This Writ Petition is filed to issue a writ of Certiorarified Mandamus, calling for the records related to the proceeding No.Ref.No.30269/Pers.IR.1/07 dated 07.01.2008 passed by the 2nd respondent confirming the earlier order of dismissal passed by the 2nd respondent dated 17.07.2004 and quash the same and direct the respondents to reinstate the petitioner in his service and to direct the respondents to issue all consequential benefits to the petitioner.

2.Heard the learned counsel appearing for the petitioners, learned Government Advocate appearing for the respondents 1 & 3 as well as the learned counsel appearing for the 2nd respondent and perused the materials available on record.

3.The petitioner is challenging the order of dismissal passed by the 3rd respondent and confirmed by the 2nd respondent. The petitioner has made various averments and contended that the respondents 3 and 2 have not properly appreciated the facts that the charges leveled against the petitioner was not proved in the Domestic Enquiry. The respondents have denied these allegations. It is seen from the order of the 2nd respondent that the 2nd respondent has not given any reason for rejecting the appeal filed by the petitioner, except stating that the petitioner has not raised any new grounds than what was raised before the 3rd respondent. The 2nd respondent has confirmed the order of the 3rd respondent. While the Appellate Authority confirms the order of the Disciplinary Authority, the Appellate Authority need not give elaborate reasons, but must consider the objections raised by the employee in the appeal and give reasons for rejecting the same.

4.In the present case, the impugned order of the 2nd respondent is not a speaking order. In view of the same, without deciding the rival contentions of the petitioner and respondents

on merits, the impugned order passed by the 1st respondent and communicated by the 2nd respondent is set aside and the matter is remitted back to the 1st respondent for fresh consideration and to pass orders on merits and in accordance with law. It is seen from the materials on record that pending Writ Petition, the petitioner died on 19.02.2016 and his legal heirs viz., petitioners 2 to 5 were impleaded in the Writ Petition. The order of dismissal of the 1st petitioner from service is dated 17.07.2004. The 1st respondent is directed to consider the claim of the legal heirs of the deceased employee who are the petitioners 2 to 5 and dispose of the appeal within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar (CS III)

//True Copy//

gsa
To

Sub Assistant Registrar

1. The Chairman,
Personnel Committee,
The Tamil Nadu Co-operative Milk
Producers Federation Ltd.,
Aavin Illam, Milk Colony,
Chennai 600 051.
2. The Managing Director,
The Tamil Nadu Co-operative Milk
Producers Federation Ltd.,
Aavin Illam, Milk Colony,
Chennai 600 051.
3. The General Manager,
The Tamil Nadu Co-operative Milk
Producers Federation Ltd.,
Aavin Illam, Milk Colony,
Chennai 600 051.

+1 cc to Mr.M.Velmurugan, Advocate, S.R.No.63292

+1 cc to Mr.C.R.Dhasarathan, Advocate, S.R.No.62679

+1 cc to the Special Government Pleader (CO-OP), S.R.No.63331

W.P.No.23196 of 2008

VG-II (CO)
SSM(09/09/2019)