



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2019
CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

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W.P.(MD)No.8649 of 2009

I.Gabriel ... Petitioner
vs.

1.The Secretary to Government,
Animal Husbandary, Fisheries &
Dairy Development,
Chennai - 600 009.

2.The Director,
Audit of Milk Co-operatives,
212, R.K.Madam Road,
Chennai - 600 004.

3.The Regional Deputy Director,
(Audit of Milk Co-operatives)
Crawford Colony,
Tiruchirappalli - 20.

4.The Joint Registrar of Co-operative Societies,
Ganapathy Nagar, Thanjavur. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned G.O.(D)No.67 dated 30.03.2009 passed by the 1st Respondent by confirming the order passed by the 2nd Respondent by his proceedings, dated 29.08.2007 against the award of punishment passed by the 3rd Respondent by his proceedings, dated 29.12.2000 and 29.03.2001 and quash the same and pass such other or further orders as this Honourable Court.

For Petitioner	: Mr.G.Karnan
For Respondents	: Mr.D.Muruganantham
	Additional Government Pleader

ORDER

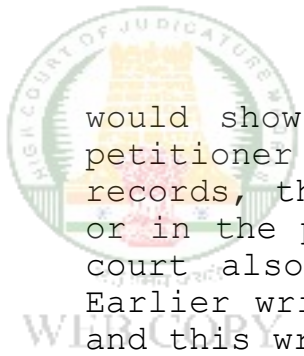
This writ petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned G.O.(D)No.67 dated 30.03.2009 passed by the 1st Respondent by confirming the order passed by the 2nd Respondent by his proceedings, dated 29.08.2007 which in turn was against the award of punishment passed by the 3rd Respondent by his proceedings, dated 29.12.2000 and 29.03.2001 and quash the same.



2.The petitioner was working as a Sub Registrar/Assistant Director, Audit for Milk Cooperatives, Thanjavur Region, which is under the control of third respondent. While in service, the third respondent issued charge memo to the petitioner vide communication dated 17.11.1999, 24.02.2000 and 08.03.2000 framing different charges on the petitioner for various delinquencies. Though the petitioner gave explanation to all the charges, the third respondent passed an order of punishment of stoppage of increment for six months without cumulative effect by independent orders in relation to the three different charge memos issued to the petitioner. Aggrieved by the minor punishment with reference to each charge, appeals were filed by the petitioner before the second respondent independently to set aside the award of punishment passed by the third respondent in respect of each charge memo. It is also admitted that during the pendency of appeal, the petitioner filed three writ petitions in W.P.(MD).Nos.568, 781 and 782 of 2006 before this Court, to quash the charge memos on the ground that the appeal was pending for a long time. The writ petitions filed by the petitioner were dismissed on 13.07.2007 and the appeal preferred by the petitioner were also dismissed. Later, the second respondent modified the punishment by reducing the punishment to stoppage of increment for three months without cumulative effect by holding that the petitioner is guilty for gross negligence with reference to each of the charge memo. Thereafter, the petitioner preferred an appeal to the first respondent and the first respondent has passed the impugned order vide G.O.Ms.No.67, dated 30.03.2009 confirming the order of second respondent. Aggrieved by the same, this writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that the impugned order confirming the order of second respondent is illegal and there is no application of mind. Stating that the grounds raised before the first respondent were not considered, learned counsel then submitted that the order passed by the third respondent and the second respondent indicates that there was non application of mind.

4.In the present case, the charges against the petitioner are with reference to three different incidents. The charges are that the petitioner had failed to submit audit reports within time and that he ignored the instructions in this regard. The other sets of charges are also relating to dereliction of duty. Referring to the delinquencies pointed in the charge memo, the petitioner has not given valid explanations and the conclusion of third respondent finding the petitioner guilty of all the charges cannot be interfered with, unless the petitioner demonstrate before this Court with materials that the findings are perverse. The punishment with reference to each one of the charge memo is only stoppage of increment for three months without cumulative effect. Such minor punishment is inflicted in this case, even though the charges



would show that there is dereliction of duty especially when the petitioner is in-charge of auditing wing. From the facts and records, this Court is unable to find any infirmity in the findings or in the punishment that was imposed against the petitioner. This court also find no reason to interfere with the impugned order. Earlier writ petitions filed by petitioner were dismissed on merits and this writ petition is not maintainable.

5.This writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (AD-I)

/TRUE COPY/

Sub Assistant Registrar

TM
To

- 1.The Secretary to Government,
Animal Husbandary, Fisheries &
Dairy Development,
Chennai - 600 009.
- 2.The Director,
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212, R.K.Madam Road,
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- 3.The Regional Deputy Director,
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Ganapathy Nagar, Thanjavur.

+1 CC to M/s.GP (SR-88534[F] dated 23/09/2019)

W.P. (MD) .No.8649 of 2009
19.09.2019

JM/14.10.2019/3P/6C