

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.33718 of 2014

R.Krishnamoorthy

... Petitioner

Vs

The President, Board of Directors,
Represented by the Managing Director,
Tamil Nadu Co-operative Milk Producers Union Ltd.,
Vellore 632 009. ... Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to consider the Appeal dated 22.07.2014 of the petitioner, regarding his reinstatement in service, on merits and in accordance with law and pass orders within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.S.Sathish Rajan

ORDER

This writ petition has been filed for a direction to the respondent to consider the petitioner's appeal dated 22.07.2014 regarding his reinstatement in service, on merits and in accordance with law and pass orders within a time frame to be fixed by this Court.

2.According to the petitioner, he was appointed as Mazdoor in the erstwhile Tamil Nadu Dairy Development Corporation Limited, Vellore Unit with effect from 12.01.1974. Thereafter, he was working as Senior Factory Assistant in the Chilling Centre of the Union at Ambur. While so, he was served with a charge memo dated 16.05.2000, calling upon him to show cause as to why disciplinary action should not be initiated against him for the alleged theft of 63 half litre packets each on 17.04.2000 night from the Chilling centre, Ambur. Denying the charges, he submitted his explanation. Being dissatisfied with the same, enquiry was ordered against the petitioner, pursuant to which, enquiry was conducted and a report was filed holding

that the charges were proved. Based on the same, he was imposed with the punishment of dismissal from service, by order dated 21.08.2001. Challenging the same, the petitioner preferred an appeal on 25.01.2002 to the Board of Directors, which was rejected on 06.08.2003. Feeling aggrieved, he filed WP.No.5190 of 2002 to quash the said orders.

3.It is the further case of the petitioner that the respondent also initiated criminal proceedings against him on the same charges, which ended in conviction for the offence under Section 381 IPC and sentence of imprisonment till rising of court and pay a fine of Rs.1000/-, in default to undergo rigorous imprisonment for one month. Aggrieved over the same, the petitioner filed CA.No.27 of 2005 before the Principal Sessions Judge, Vellore, who, by judgment dated 08.08.2005, allowed the said appeal and set aside the judgment of conviction and sentence passed by the trial Court. Pursuant to the same, the petitioner approached the respondent with a request to reinstate him in service and also produced the criminal court judgment rendered in his favour, but the said request was not considered. Thereafter, upon disposal of the case in WP.No.5190 of 2002 on 04.01.2012, the petitioner preferred an appeal dated 22.07.2014 to the respondent, which was kept pending, till date, without any consideration. Hence, this writ petition.

4.Heard both sides and perused the documents enclosed in the typed set of papers.

5.Considering the limited relief sought in this writ petition, this Court, without going into the merits of the case, directs the respondent to consider the appeal dated 22.07.2014 filed by the petitioner, if not already considered, and pass appropriate orders, on merits and in accordance with law and also on the basis of the decision rendered in the criminal proceedings initiated against him (cited supra), within a period of eight weeks from the date of receipt of a copy of this order.

6.This writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
Tamil Nadu Co-operative Milk Producers Union Ltd.,
Vellore 632 009.

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