



W.P.(MD)Nos.27661 & 9354 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.27661 & 9354 of 2022

and

W.M.P.(MD)Nos. 21775, 21779 & 6715 of 2022

W.P.(MD)No.27661 of 2022

P.Yovan Raja Singh

... Petitioner

Vs.

1.The Director
Department of Dairy Development,
MM Colony,
Madhavaram,
Chennai - 600 005.

2.The General Manager
The Tirunelveli District Co-operative Milk Producers Union,
Tirunelveli District - 07.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka. No.2470/Nirvagam.1/2020 dated 16.06.2022

For Petitioner : Mr. Nallathambi.D
For Respondents : Mr. J.Devasenar
Standing Counsel

W.P.(MD)No. 9354 of 2022

P.Yovan Raja Singh

... Petitioner

Vs.

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Chennai - 600 005.
2. The General Manager
The Tirunelveli District Co-operative Milk Producers Union,
Tirunelveli District - 07.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.2470/Nirvagam. 1/2021 dated 12.04.2022 on the file of the Respondent No.2 and quash the same as illegal and consequently direction directing the Respondents to furnish the documents sought for the petitioner and conduct the enquiry by following due process of law in light of order in W.P.(MD) No.160 of 2022 dated 06.01.2022

For Petitioner : Mr. Nallathambi.D

For Respondents : Mr. J.Devasenar
Standing Counsel

COMMON ORDER

Both the writ petitions are filed by the same petitioner challenging the different show cause notice.

2. The learned counsel for the petitioner submitted that the petitioner while working as Senior Factory Assistant at Aavin High Tech



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Parlour, Thirunelveli, District Milk Producers Union on 21.03.2020, a charge memo was issued to the petitioner and an enquiry officer was also appointed and the petitioner has also properly appeared for the enquiry and made a request for providing relevant documents to defend his case. However, the said document was not furnished to him and hence, the petitioner made a representation on 27.01.2022 in terms of the order passed by this Court in W.P.(MD) No.160 of 2022, for compliance. However, without supplying such documents which was sought for by the petitioner, the authorities have passed the impugned show-cause notice. For the alleged lapses for the year 2010-2020 and for which the petitioner furnished the following documents :

"To give the account details of the ledger for Milk Diary from 08.08.2010 to 02.02.2020 to provide the balance sheet of list of Milk inventories from 08.08.2010 to 02.02.2020.

To furnish the application on the acknowledgment on the diary in turn products



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for the sale of high tech parlour and Javan
Bhawan handed over to the petitioner."

3. However, for the very same period, the respondent initiated another 81 enquiry for the year 2019-2020 and issued another show-cause notice without furnishing the above said documents. Hence, challenging the impugned show-cause notices, dated 12.04.2022 and 16.06.2022, the present writ petitions are filed.

4. The learned counsel for the petitioner would further submit that though the petitioner filed writ petitions challenging the show-cause notices issued by the respondent pursuant to the 81 enquiry, however, without furnishing the above said documents as sought for by the petitioner, proceeded with the enquiry is not sustainable one and it is a clear violation of Rules. Accordingly, he prayed for appropriate orders.

5. The learned Standing counsel appearing for the respondents would submit that already information and documents sought by the



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petitioner was furnished to the petitioner, even then, one more copy will be furnished to the petitioner and this Court may fix a outer time limit to conclude the enquiry and this Court may issue a direction to the respondent to conclude the surcharge proceedings within a time limit.

6. Considering the facts and circumstances of this case and the consent view expressed by the learned counsel for petitioner that the writ petitions are filed solely on the ground that for non-furnishing of documents as sought by the petitioner, however, learned standing counsel for the respondent agreed to furnish the documents to the petitioner

7. In view of the above, this Court directs the respondents to furnish the documents as sought for by the petitioner within a period of four weeks from the date of receipt of a copy of this order and thereafter, conclude the 87 surcharge proceedings, after providing opportunity to the petitioner, on merits and in accordance with law, within a period of 12 weeks thereafter.



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8. With the above directions, the writ petition in W.P.(MD) No. 9354 of 2022 is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

9. The learned standing counsel appearing for the respondents submitted that during the pendency of these writ petitions, surcharge order was passed on 08.11.2022.

10. Considering the facts and circumstances, though the petitioner filed a writ petition in W.P.(MD) No.27661 of 2022 challenging the show-cause notice, dated 16.06.2022, however, subsequently, 87 surcharge proceedings concluded and order was passed on 08.11.2022 and hence, the prayer sought for in the writ petition become infructuous.

11. Accordingly, the writ petition in W.P.(MD) No.27661 of 2022 is dismissed. However, liberty is granted to the petitioner to work out his



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remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

14.12.2022

Index : Yes / No
Speaking Order : Yes / No
RM



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To
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M.DHANDAPANI,J.

RM

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