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W.P.(MD)NO.14809 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14809 of 2023 AND
W.M.P.(MD)No.12503 of 2023

G.Chitra Devi

... Petitioner

Vs.

1. The Commissioner,
Milk Producers and Dairying Development Department,
Nandhanam, Chennai.
2. The Deputy Registrar (Dairying)
of Co-operative Societies,
Deputy Registrar Office,
Manamadurai,
Sivagangai District.
3. The Senior Inspector / Enquiry Officer,
O/o.The Deputy Registrar,
Manamadurai,
Sivagangai District.
4. The President / Special Officer,
MS-194, Alavakottai Milk Producers
Co-operative Society,
Alavakkottai Village & Post,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to



nominate and appoint an independent appellate authority unconnected with the affairs of the pending appeal proceedings in Appeal No.1 of 2022-2023 on the file of the 2nd respondent in respect of the alleged loss said to have been caused by the petitioner to the 4th respondent society for the period commencing from 01.04.2018 to 15.03.2021.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

ORDER

Heard the learned counsel on either side.

2. The petitioner was working as Clerk in the fourth respondent society. She was terminated vide order dated 08.06.2022. Aggrieved by the same, the petitioner filed an appeal before the second respondent under Clause 32 of Special Bye-Laws of the fourth respondent society. The incumbent who is occupying the office of the appellate authority was the very same official passed surcharge order against the petitioner under Section 87 of the Act. The petitioner has therefore approached this Court with a demand that the appellate authority must be someone who is not connected with the subject matter.



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3. The contention of the learned counsel appearing for the petitioner is well founded. The elementary principle of natural justice is that the appellate authority is not in any way connected with the subject matter. The petitioner is not alleging personally against the appellate authority. He is only alleging bias as to the subject matter.

4. The first respondent is directed to nominate some other official in the rank of the Deputy Registrar to dispose of the petitioner's appeal on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter. With this direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

1. The Commissioner,
Milk Producers and Dairying Development Department,
Nandhanam, Chennai.
2. The Deputy Registrar (Dairying)
of Co-operative Societies,
Deputy Registrar Office,
Manamadurai,
Sivagangai District.
3. The Senior Inspector / Enquiry Officer,
O/o.The Deputy Registrar,
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5

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G.R.SWAMINATHAN,J.

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22.06.2023