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W.P.Nos.34165 and 34168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.Nos.34165 and 34168 of 2024 &
W.M.P.Nos.36980 and 36981 of 2024 &
W.M.P.Nos.36982 and 36983 of 2024

Kathirvel	... Petitioner in W.P.No.34165 of 2024
S.Vijayasurendhar	... Petitioner in W.P.No.34168 of 2024

Versus

1. The Commissioner
Tamilnadu Co-operative Milk Producers
Federation,
Madhavaram, Chennai – 600 051
2. The Deputy Registrar,
Milk and Diary Department,
Palaya Nattanmaikalaga Building,
Salem – 01
3. The Enquiry Officer,
Senior Inspector (Milk)
E-Division, Assistant Registrar's
Office (Milk),
Salem. ...Respondents in W.P.Nos.34165 and 34168
of 2024

Prayer in both the petitions : Writ Petitions filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus by calling for the records in Na.Ka.No.993/2024/Aa dated



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05.09.2024 on the file of the 2nd respondent and quash the same as far as it appoints the 3rd respondent as enquiry officer and further direct the 2nd respondent to appoint some other competent person as enquiry officer instead of 3rd respondent for fair enquiry and direct the 2nd respondent to furnish the audit report to the petitioners and other necessary documents relied on by the enquiry officer to give a comprehensive reply.

For Petitioners : Mr.S.Varanesh

For Respondents : Mr.Stalin Abhimanyu for R1
Additional Government Pleader

COMMON ORDER

Since the issues involved in these cases are one and the same, they are taken up together and a common order is passed.

2. According to the petitioners, the petitioner in W.P.No.34165 of 2024 was appointed as clerk in ED-118 Majini Milk Produces Co-operative society Ltd., and thereafter, was promoted as Secretary on 13.02.2013. The petitioner in W.P.No.34168 of 2024 was appointed as Computer operator, on contract basis, in the above said Milk Society. While so, the 2nd respondent has passed an order dated 05.09.2024



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appointing 3rd respondent as enquiry officer, when there is no reason adduced for such appointing enquiry officer. Further, on repeated request, it was informed that one General Manager, Salem Union has raised a complaint regarding shortage of milk. The details of the actual audit objection was not revealed to the petitioners. The petitioners have submitted a letter to the 2nd respondent to furnish the audit objection, in order to produce a proper reply and the respondents 2 and 3 refused to furnish such report.

3. Also it is the case of the petitioners that the 3rd respondent, who raised audit objection is trying to prove his audit is correct, as he himself appointed as enquiry officer, hence the petitioners have sent a legal notice on 17.10.2024 requesting the 2nd respondent to consider changing of the enquiry officer, as he was the one originally conducted audit and raised some objection and there is highest possibility of bias towards his own audit report. Hence the petitioners have come up with the present petitions.

4. The learned Additional Government Pleader appearing for the 1st respondent submits that the enquiry has not been concluded yet and



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it is in preliminary stage, at this juncture, criticizing the act of the enquiry officer is not fair and attitude of the petitioners are against the rules in force. The petitioners can very well submit their objections to the enquiry officer, but the petitioners are shying away from participating in the enquiry, thereby pleaded to dismiss the petitions.

5. Acceding to the request of the learned counsel for the petitioners when this Court enquired about appointment of another enquiry officer, the learned Additional Government pleader appearing for the 1st respondent submits that another enquiry officer will be appointed before 30.12.2024 and further contends that the amount involved is high.

6. At this juncture, it is pertinent to point out that the submission of the petitioners that the 3rd respondent, who raised audit objection has been appointed as enquiry officer, has some force, therefore, this Court hereby directs the petitioners to submit all the documents in person to the respondents and the authorities shall proceed with the enquiry by appointing new enquiry officer, on or before 30.12.2024. Further, the enquiry to commence on or before 06.01.2025 and the said new Enquiry



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Officer shall conclude the enquiry on before 31.03.2025. It is made clear that since the amount involved is huge, the matter need not be prolonged further. It is also made clear that the enquiry shall be conducted on day today basis, unnecessary adjournments will be not given on any score and the necessary documents / report shall be furnished to the delinquent and the parties are permitted to cross examine.

In view of the above, the present Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

19.12.2024

Index : Yes/No

Internet: Yes / No

Speaking order : Yes/No

Note: Registry is directed to issue order copy on 24.12.2024

ssd

To

1. The Commissioner
Tamilnadu Co-operative Milk Producers
Federation,
Madhavaram, Chennai – 600 051

2. The Deputy Registrar,
Milk and Diary Department,
Palaya Nattanmaikalaga Building,
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ssd

3. The Enquiry Officer,
Senior Inspector (Milk)
E-Division, Assistant Registrar's
Office (Milk), Salem.

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