



WP(MD) No.9567 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9567 of 2024

and

W.M.P(MD)Nos.8666 & 8667 of 2024

Dr.M.Paramasivam

... Petitioner

Vs.

1.The Managing Director

The Tamil Nadu Cooperative Milk Producers Federation Limited,
Nandanam (TCMPF),
Chennai - 600 035.

2.The Chairman

Personnel Committee,
The Tamil Nadu Cooperative Milk Producers Federation Limited,
Nandanam (TCMPF),
Chennai.



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3.The General Manager

Thoothukudi Cooperative Milk Producers Unions
(DCMPU),

Thoothukudi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned charge memo in Ref. No.8851/Pers/IR.2/2023 dated 11.07.2023 issued by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to promote the petitioner for the post of Deputy General Manager (Vety) or Deputy General Manager (Milk Production) for the Year 2023 as expeditiously as possible.

For Petitioner : Mr.P.Pillaivinayagam

For Respondents : Mr.K.Prabhu

Standing Counsel



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ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to call for the records relating to the impugned charge memo in Ref. No.8851/Pers/IR.2/2023 dated 11.07.2023 issued by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to promote the petitioner for the post of Deputy General Manager (Vety) or Deputy General Manager (Milk Production) for the Year 2023 as expeditiously as possible.

2. Heard Mr.P.Pillaivinayagam, learned counsel for the petitioner and Mr.K.Prabhu, learned Standing Counsel appearing for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. The petitioner was issued with a charge-memo on 11.07.2023 for 6 charges. The grievance of the petitioner is that when the promotion panel was prepared for promotion to the post of General Manager, the petitioner's name was not included and he was given with the charges. So the petitioner claims that the charges were given in a *malafide* manner just to prevent him from getting promotion and to accommodate some other person in the promoted post.

5. However, on perusal of the charges, it seems that same type of charges has been repeated, but on different dates. The petitioner has been given with several charges and the petitioner has also subjected himself to the disciplinary proceedings by submitting his explanation on 17.09.2023.



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6. The learned Standing Counsel for the respondents submitted that the enquiry has already been completed, but the enquiry officer has yet to file his report.

7. Once the report is filed, the first respondent would take a decision and only thereafter, the petitioner can work out his chances for promotion. Since the charges are pending and there are no grounds pleaded as to why the charges should be set aside even at the stage when the disciplinary proceedings are going to get concluded, I do not find any merit in this Writ Petition.

8. However, in view of the promotional interest involved by the petitioner, the first respondent is directed to complete the pending disciplinary proceedings within a period of six weeks from the date of receipt of a copy of this order and pass appropriate orders on merits and in accordance with law.



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9. With the above direction, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

18.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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- 2.The Chairman
Personnel Committee,
The Tamil Nadu Cooperative Milk Producers Federation Limited,
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- 3.The General Manager
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.9567 of 2024

Dated:
18.04.2024