



W.P.(MD)No.10366 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.10366 of 2024
and
W.M.P.(MD).No.9347 of 2024

M.Kannan

... Petitioner

Vs.

1.The Chairman/Executive Authority,
Madurai District Co-operative Milk Producers
Union Limited (M.D.C.M.P.U Ltd)
Sathamangalam Post,
Sivagangai Main Road,
Madurai -20.

2.The General Manager,
Madurai District Co-operative Milk Producers
Union Limited (M.D.C.M.P.U Ltd)
Sathamangalam Post,
Sivagangai Main Road,
Madurai -20.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the second respondent made in his proceedings in Na.Ka.No. 4400/Tho.Oo.2021, dated 02.02.2024 and to quash the same as illegal.



W.P.(MD)No.10366 of 2024

For Petitioner : Mr.R.Manickam
For Respondents : Mr.K.Prabhu
Standing counsel

ORDER

The petitioner has filed this writ petition challenging the order of punishment issued by the second respondent, dated 02.02.2024 and to quash the same.

2. Heard Mr.R.Manickam, learned counsel appearing for the petitioner and Mr.K.Prabhu, learned Standing counsel appearing for the respondents.

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

4. The petitioner was initially appointed as a Casual Labour (Technical) in the respondent Union in the year 1994 and after several



W.P.(MD)No.10366 of 2024

promotions, he was lastly promoted as Deputy Manager (Engineer) in the year 2021. While so, a charge memo was issued against him on 13.10.2021. Thereafter, an enquiry was conducted and the enquiry officer submitted his report on 11.10.2022, stating that all the charges levelled against the petitioner were proved. On 02.01.2023, the disciplinary authority issued a second show cause notice against him and the petitioner has also submitted his detailed explanation on 10.01.2023. Thereafter, no final order was passed, whereas, the present impugned order of punishment came to be issued by the second respondent on 02.02.2024. Challenging the same, the present writ petition has been filed.

5. Mr.R.Manickam, learned counsel appearing for the petitioner would submit that the second respondent has not considered the fact that the petitioner has not involved in any violation and the person responsible for the alleged offence is left scot free.

6. But all these factual aspects of the matter has to be raised by the petitioner by way of preferring an appeal. However, it is learnt that the



W.P.(MD)No.10366 of 2024

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post of Chairman of the appellate Board lies vacant and hence, the petitioner is not able to prefer an appeal as well. However, the learned counsel for the petitioner submitted that the petitioner has already filed an appeal.

7. In such case, the second respondent, after obtaining appropriate permission from the Commissioner for forming an appellate Board and after forming such a Board place the petitioner's appeal before the Board to enable the Board to pass appropriate orders.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

26.04.2024

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

akv



W.P.(MD)No.10366 of 2024

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2. The General Manager,
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R.N.MANJULA,J.



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W.P.(MD)No.10366 of 2024

akv

W.P.(MD)No.10366 of 2024

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