



W.A.(MD)Nos.1833 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.(MD)No.1833 of 2023

and

C.M.P.(MD)Nos.14001 and 14002 of 2023

K.Naveen Kumar

: Appellant

Vs.

1.The Commissioner of Milk Production,
and Dairy Development Department,
Mathavaram Milk Colony,
Cehnnai-600 051.

2.The General Manager,
Tiruchirapalli District Cooperative,
Milk Producers Union Limited,
Pudukottai Road, Kottapattu,
Tiruchirappalli-620 023.

3.The Deputy Registrar (Dairy),
Tiruchirapalli District Cooperative
Milk Producers Union Limited,
Old Collectorate Office Campus,
Tiruchirappalli-620 001.

:Respondents



W.A.(MD)Nos.1833 of 2023

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act, to set aside the order passed in W.P.(MD)No.508 of 2023 dated 29.03.2023.

For Appellant : Mr.R.Senthil Kumar
For R1 : Mr.A.Kannan
Additional Government Pleader
For R2 and R3 : Mr.J.Devasenar

JUDGMENT

[Judgment of the Court was delivered by **R.SURESH KUMAR, J.**]

This appeal arises out of the common order passed by the Writ Court dated 29.03.2023 in W.P. (MD) No.508 of 2023 etc., batch.

2.As against the said impugned common order, a set of Writ Appeals have been filed in W.A. (MD) Nos.554 to 597 of 2023 etc., batch in the matter of ***M.Kavitha vs. The Commissioner of Milk Production and Dairy Development Department, Mathavaram Mill Colony, Chennai and others.***

3.The said Writ Appeals were heard and decided by the Division Bench of this Court, by order dated 13.10.2023, wherein the Division Bench has passed the following orders:-



W.A.(MD)Nos.1833 of 2023

WEB COPY

“8.7 In the result, the Writ Appeal Nos.554 to 570, 579 to 595, 777, 778, 833, 834, 1561, 1587 and 1610 of 2023 are partly allowed and are disposed of in the following terms:-

(i) The order of the learned Single Judge, dated 29.03.2023 in W.P.(MD).Nos.512, 515, 505, 516, 506, 528, 529, 531, 511, 541, 538, 534, 525, 507, 540, 509, 504, 501, 503, 526, 510, 523, 539, 542, 519, 432, 517, 532, 527, 514, 520, 524, 513, 530, 533, 502, 518, 537, 521, 536 and 535 of 2023 are set aside inasmuch as it relates to the Trichy District Co-operative Milk Producers Union Limited;

(ii) The corresponding Writ Petitions filed by the appellants / selected candidates of Tiruchirapalli District Co-operative Milk Producers Union Limited stand partly allowed by quashing the orders, dated 28.12.2022 of the first respondent and 03.01.2023 of the second respondent and consequently, the appellants / writ petitioners are directed to be reinstated into service with continuity of service. However, considering the overall facts and circumstances of the case, they will not be entitled to any backwages;

(iv) Since in this case, deliberately, the truth regarding selection and OMR sheets are tried to be distorted by all concerned, we direct the present General Manager of the second respondent Union to forward a complaint to the District Crime Branch, Tiruchirapalli. Upon receipt of the complaint, a case shall be registered and investigation be



W.A.(MD)Nos.1833 of 2023

WEB COPY

carried on in respect of OMR sheets as well as all aspects of selection. After the investigation and filing of Final Report, it will be open for the respondents to take a call once again regarding the fate of selection and if the investigation reveals that there is a wholesale fraud or absolute illegality in the selection and appointment of the candidates, they will be at liberty to redo the exercise afresh;

(v) In respect of any other irregularity such as qualification or want of post or communal rotation etc., it would be open for the respondents to issue a show-cause notice to the concerned employee by giving an opportunity of hearing and proceed with the matter in accordance with law;

(vi) There shall be no order as to costs.

(viii) Consequently, connected miscellaneous petitions are closed.”

4.By placing reliance of this judgment of the Division Bench, the learned counsel for the appellant would submit that the present appellant also belongs to Trichy District, therefore, his case is covered by the said decision of the Division Bench dated 13.10.2023.

5.The said submission is not controverted by the learned Additional Government Pleader appearing for the first respondent.



W.A.(MD)Nos.1833 of 2023

WEB COPY

6.As the issue is also concluded by the Division Bench of this Court, dated 13.10.2023 and the present appellant is also similarly placed person, arising out of the common impugned judgment and also belongs to Trichy District, for the same benefit, he is also entitled.

7.In view of the same, this Writ Appeal is partly allowed to the terms indicated in para No.8.7 of the order dated 13.10.2023 made in W.A.(MD)Nos.554 to 597 of 2023 etc., batch. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.K.,J.] & [G.A.M.,J.]

18.06.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

ta

To

The Commissioner of Milk Production,
and Dairy Development Department,
Mathavaram Milk Colony,
Cehnnai-600 051.



WEB COPY



W.A.(MD)Nos.1833 of 2023

R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

ta

Judgment delivered in
W.A.(MD)Nos.1833 of 2023

18.06.2024