



WEB COPY



W.P.No.152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.152 of 2024 &

WMP.No.166 of 2024

M.Ramesh Kumar

... Petitioner

-Versus-

- 1.The Commissioner/Director of Milk,
Production and Dairy Development,
Madhavaram Milk Colony,
Chennai – 600 051.
- 2.The General Manager,
Kancheepuram-Tiruvallur District
Cooperative Milk Producers Union Ltd.,
No.X-37, Kakkalur Dairy Farm,
Kakkalur, Tiruvallur District – 602 003.
- 3.The Deputy Registrar of Co-operative Societies,
Dairy Development / Enquiry Officer,
District Collector Office, Master Plan Complex,
Tiruvallur. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorari to call for the records relating to the impugned notice of the 2nd respondent in Na.Ka.No.9496/Tho.Ou/2023 dated 16.12.2023 and to quash the same.



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For Petitioner : *Mr.A.Subramani*
For Respondents : *Ms.Yamuna Devi,*
1 & 3 *Special Government Pleader*
For Respondent 2 : *Mr.V.Nanmaran,*
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of certiorari seeking records relating to the notice in Na.Ka.No.9496/Tho.Ou/2023 dated 16.12.2023 and to quash the same.

2. In the affidavit filed in support of this writ petition, it had been stated that the petitioner is working as a Technician (Boiler) in Kancheepuram – Tiruvallur District, Co-operative Milk Producers Union Limited. He is served at Kakkalur Dairy Farm in Tiruvallur District. He belonged to Scheduled Caste (Non Priority).

3. The second respondent had invited applications for filling up of various posts on regular basis by employment notification advertisement No.8704/Admin/2020 dated 06.11.2020 and also through employment exchange. The petitioner had possessed National Trade Certificate in the Trade



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of Instrument Mechanic and also secured certificate of competency as a II-class Boiler attendant from Government of Tamilnadu. Since he was eligible for the post, he was sponsored by the employment exchange. He applied for the post. He also passed the written examination. He was called for interview. Thereafter, he was appointed as a technician (Boiler).

4. It had been stated that he reported the duty on 17.02.2021. He had been discharging his duties. A notice had been issued on 14.06.2022 stating that the petitioner must attend an enquiry on 23.06.2022. By proceedings dated 16.12.2022, the second respondent called for explanation, not only from the petitioner but other employees who were appointed during the year 2019 - 2022. Thereafter, an enquiry was conducted under Section 81 of the Tamil Nadu Cooperative Societies Act, 1989. A report was submitted before the Commissioner of Milk Production and Dairy Development. It had been stated that in spite of completion of enquiry and submission of a final report, the second respondent has issued a communication dated 16.12.2023 and the petitioner was directed to furnish a further explanation within 15 days. That notice is under challenge in the writ petition.



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5. A perusal of the impugned notice shows that the post for which the petitioner had been appointed had been reserved for SC priority. But the petitioner belonged to SC (Non priority) and had been appointed. It is under those circumstances, a show cause notice had been issued to the petitioner herein. It is contended that the second show cause notice on the same issue is not maintainable and is without jurisdiction.

6. It is however in the interest of the petitioner that he submits his explanation. The facts whether the post was reserved for SC priority and whether the petitioner belongs to SC (Non priority) are the issues of facts which will have to be examined only by the respondents.

7. Time is granted to give explanation till 07.03.2025. Thereafter, the respondents may conduct an enquiry adhering to the principles of natural justice by affording opportunity to the petitioner herein and also examining his representations. Till the final orders are passed, the petitioner's service is protected. Thereafter, the respondents may pass orders in accordance with the findings arrived at during the course of enquiry.

8. This writ petition is disposed of, with the above terms. No costs. Consequently, the connected miscellaneous petition is closed.



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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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C.V.KARTHIKEYAN, J.

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