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WP No. 4847 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-07-2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP No. 4847 of 2025

AND

WMP NO. 5371 OF 2025

1. M.Ravi
S/o Murugesan
No.293 New Street
Alamelumangapuram
Vellore 632 009.

Petitioner(s)

Vs

1. The District Collector/Administrator
The Vellore District Cooperative Milk
Producers' Union Ltd.,
No.142 Arcot Road Sathuvachari
Vellore 632 009.

2.The Chairman
The Vellore District Cooperative Milk
Producers' Union Ltd.,
No.142 Arcot Road, Sathuvachari
Vellore 632 009

3.The General Manager
The Vellore District Cooperative Milk
Producers' Union Ltd.,



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No.142 Arcot Road, Sathuvachari,
Vellore 632 009

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records of the impugned final order passed in Ref.No.6188 IR/2020 dated 30.05.2024 and Na.Ka.No.6188/T.U/2020 dated 12.11.2024 passed by the 3rd respondent and quash the same as illegal arbitrary and non-est in law and consequently direct the respondents to reinstate the petitioner into service with all due service benefits including monetary benefits such as subsistence and dearness allowance within the time stipulated by this Hon'ble Court.

For Petitioner(s): Mr.C.V.Shailandharan
Mr.Salai Varun
Mr.Vikram Veerasamy
Mr.C. Kaveen

For Respondent(s): Mr.N.Naveen Kumar,
GA for R1
Mr.Prabhu SC For R2.
Mr.I.John Arockiadas for R3

ORDER

This Writ Petition has been filed to call for the records of the impugned final order passed in Ref.No.6188 IR/2020 dated 30.05.2024 and Na.Ka.No.6188/T.U/2020 dated 12.11.2024 passed by the 3rd respondent and quash the same as illegal arbitrary and non-est in law and consequently direct the respondents to reinstate the petitioner into service with all due service



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benefits including monetary benefits such as subsistence and dearness allowance within the time stipulated by this Hon'ble Court.

2. Heard Mr.C.V.Shailandharan, learned counsel for the petitioner, Mr.N.Naveen Kumar, learned Government Advocate for the first respondent, Mr.Prabhu, learned Standing Counsel for the 2nd respondent and Mr.I.John Arockiadas, learned counsel for the 3rd respondent.

3. The brief facts which give rise to the present writ petition are that, while the petitioner was working as a Manager (Milk Procurement) in The Vellore District Cooperative Milk Producers' Union Ltd., he was served with a charge memorandum dated 16.08.2021 calling upon the petitioner to give his reply. After submitting the reply, the Disciplinary Authority initiated disciplinary proceedings and conducted domestic enquiry. After completing enquiry, the Enquiry Officer submitted a report on 20.06.2022 and thereafter, on getting the further representation from the petitioner against the Enquiry report, the impugned final order passed on 30.05.2024 by imposing a punishment of removal from service. Aggrieved with the same, the petitioner preferred an appeal, and the Appellate Authority vide order dated 12.11.2024 have confirmed the Disciplinary Authority's order. Aggrieved with the same, the present writ petition has been filed.

4. The learned counsel for the petitioner would vehemently contend that



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the very charge would demonstrate that the petitioner has no connection with the alleged involvement. According to the petitioner's counsel, the entire allegation of the complainant is against the General Manager one Dr.Ganesha. Even according to the complainant, there was no demand made by the petitioner, however, he received the amount on the instruction of Mr.P.M.Ganesha, who is none other than his superior officer. The learned counsel would further contend that the petitioner does not even know the complainant Murugaiyan. Even according to the complainant's own admission, the said factum had been established. Hence, submitted that the order passed by the Disciplinary Authority as well as the Appellate Authority is without any evidence and perverse. Hence, prayed to interfere with the same.

5. Per contra, the learned counsel appearing for the respondents 2 and 3 would vehemently contend that in a disciplinary matter, the power of judicial review is very much limited. In the case in hand, after elaborately considering the material witnesses, viz., the complainant and the trap witnesses, the Disciplinary Authority has arrived at a conclusion that the petitioner had received a bribe. The learned counsel would further contend that the proof before the Disciplinary Authority is only the preponderance of probabilities. In the case in hand, the complainant has categorically asserted that he had given money to the petitioner and he knew that the same is a bribe amount. Therefore, even the contention of the petitioner that he acted upon the instruction of



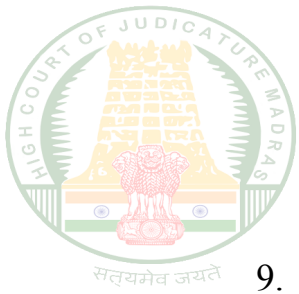
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Dr. Ganesha, is accepted, it would only give alternative findings and not make the finding arrived at by the Enquiry Officer is perverse and contrary to the available evidence. Hence, prayed to dismiss the writ petition.

6. The learned Government Advocate appearing for the first respondent has equally supported the contentions of the learned counsel for the respondents 2 and 3.

7. I have given my anxious consideration to either side submissions.

8. According to the charge, the petitioner received a bribe amount of Rs.50,000/- from one Murugaiyan to release the cheque for the due payable to him on account of his Transport contract. The learned counsel for the petitioner by inviting the attention of this Court about the evidence of the complainant (PW.1), and would contend that the complainant did not know about the petitioner and he came to know about the petitioner first time only on his visit to his office. No doubt, the complainant Murugaiyan has admitted the same in his evidence and he would further state that the moment when he met the petitioner, he questioned him as to why he brought the amount which is short of Rs.5,000/- . However, after receipt of the said amount, he handed over the cheque to the complainant being the due for his Transport contract.



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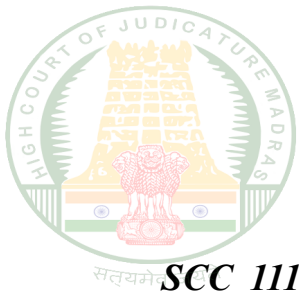
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9. Therefore, the absence of acquaintance to the complainant with the petitioner does not make any difference. Apart from that, the factum of receipt of Rs.50,000/- was not only proved through the complainant, but also vindicated through the trap witnesses.

10. Here, it is not the case of the petitioner that he did not receive any amount, but, his only defence is that the amount which he received was on the instruction of one Dr.Ganesha, who is the other delinquent, and that the petitioner does not know about the actual dealings between the complainant and the said Dr.Ganesha. According to him, he is a scapegoat.

11. As already discussed, the unchallenged testimony of the complainant's visit to the office, the petitioner's question about Rs.50,000/- and it's receipt from the complainant and handing over the cheque after receipt of Rs.50,000/- would all cumulatively in normal circumstances would only demonstrate the involvement of the corrupt practise of the petitioner. From the trajectory of the above discussion, an ordinary prudent man would only arrive at a conclusion that, for issuance of the cheque, the amount of Rs.50,000/- was received. As already submitted, even for argument sake, if the petitioner's argument accepted that he received only upon the instructions of his superior without knowing about the nature of money, it could only to some extent, give an alternative finding and not fully dislodge the findings arrived at by the Enquiry Officer.

12. According to the recent judgment of the Hon'ble Supreme Court in ***Airports Authority of India Vs. Pradip Kumar Banerjee***, reported in (2025) 4



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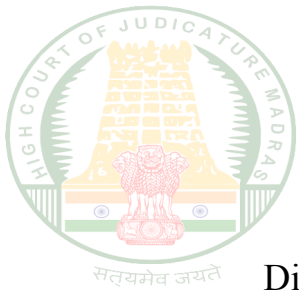
SCC III, even the non examination of the complainant or a decoy witness cannot be treated as a fatal to Domestic Enquiry. However, in the case in hand, both of them have examined. It is settled principle of law that the Disciplinary Authority is only expected to examine and arrive at a reasoned conclusion determining the guilt of the delinquent, and that such conclusion should be on the principles of preponderance of probabilities. While perusing the enquiry report and the order of the Disciplinary Authority, this Court is fully convinced that the Disciplinary Authority had arrived at a reasoned conclusion based upon the available materials.

13. At this juncture, this Court deems it appropriate to discuss about the settled legal principle of law to the extent of power of judicial review. In this regard, it is useful to refer the following judgments:-

- (i) ***B.C.Chaturvedi Vs. Union of India*** reported in **(1995) 6 SCC 749**,
- (ii) ***Deputy General Manager (Appellate Authority) Vs. Ajai Kumar Srivastava*** reported in **(2021) 2 SCC 612**;
- (iii) ***The Indian Oil Corporation & Ors., Vs. Ajit Kumar Singh & Anr.***, reported in **2023 LiveLaw (SC) 478**.

Through the above judgments, the following principles are emerging:-

- (i) Power of Judicial review is not like an appeal. But such power is meant to ensure that the individual receives fair treatment and to ensure the compliance of natural justice.
- (ii) The power of judicial review is not like a appellate remedy to substitute its own finding, unless the findings of the



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Disciplinary Authority and Appellate Authority is perverse and without evidence.

(iii) The High Court had no jurisdiction to review the penalty, unless it is shockingly disproportionate.

(iv) Since because there is a possibility to arrive at yet another finding, cannot be a reason to substitute the finding of the disciplinary Authority.

(v) The judicial review is meant only to ensure fairness in treatment and not to ensure fairness of conclusion.

(vi) While exercising the power of judicial review, so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained.

14. Here, the Enquiry Officer has relied upon the complainant's evidence as well as the evidence of trap witnesses. The yet another faint contention urged by the petitioner is that, he was only a Manager for Milk Procurement, and has no connection in respect of the issuance of the payment towards Transport charges. When the petitioner admits the receipt of Rs.50,000/- and handing over of cheque to the complainant Murugaiyan, his above defence becomes futile. The Enquiry Officer has elaborately gone into the complainant Murugaiyan's evidence, and only after taking into consideration of the nature of the receipt of the amount and handing over the cheque, he arrived at a conclusion that the charge nos.1 and 2 have been proved. Such conclusion is fair and reasonable.

15. The yet another contention raised by the petitioner is that, the Appellate Authority and the Disciplinary Authority are one and the same,



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therefore, the impugned order is illegal. For which, he relied upon the letter head, wherein the District Collector's name, who is the Appellate Authority finds a place. Though the argument of the learned counsel for the petitioner appears to be attractive, as a matter of fact the final order of removal from service was passed on General Manager, and that in the order itself it was informed that the Board of Union is the Appellate Authority. Therefore, the contention that the Disciplinary Authority and the Appellate Authority are one and the same, is misconceived. Further, the order of the Appellate Authority has not been filed along with this writ petition, and that he has not raised any grounds against the findings of the Appellate Authority. But, his only contention is that in view of perversity of the Disciplinary Authority's order, the Appellate Authority order also has to be set aside. Such contention is far fetched. Hence, this Court does not find any merits in the present writ petition.

16. In the result, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected WMP is also closed.

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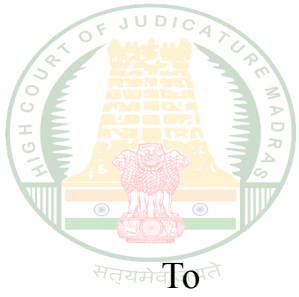
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Index: Yes/No

Speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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