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W.P No.26057 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

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THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.26057 of 2025

and

Writ Miscellaneous Petition Nos.29318 & 29319 of 2025

P.Sekar

... Petitioner

..Vs..

1.The Commissioner/Director,
Milk Production and Dairy Development,
Madhavaram,
Chennai – 600 051.

2.The Managing Director,
Tamil Nadu Co-Operative Milk Producers' Union Limited,
Aavin Illam,
3A, Pasumpon Muthuramalinganar Salai,
Nandanam, Chennai – 600 035.

3.The General Manager,
The Vellore District Co-operative Milk Producers' Union Limited,
(Union Registration No.VLR 309)
Arcat Road, Vellore – 632 009.

4.The Enquiry Officer,
S.M.Shamsudeen Ibrahim
M.A., M.B.A., M.L.S., M.S.W.,
Joint Commissioner of Labour (Officio),
18/10, Pallivasal Chandu, Kazimar Street,
Madurai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari to call for the records pertaining the Enquiry Report dated 18.01.2024 filed by the respondent No.4 in the disciplinary proceeding Ref.No.7198/IR/2018-1, initiated by the Respondent No.3 dated 05.03.2024 herein and to quash the same.

For Petitioner : Mr.P.Vetrivel

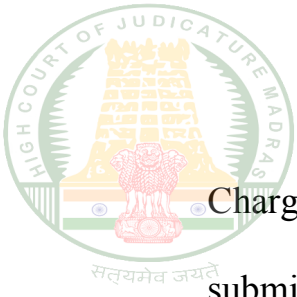
For Respondents : Mrs.E.Ranganayaki,
Special Government Pleader For RR1 & 2

Mr.U.Bharanidharan For R3

ORDER

The present writ petition has been filed with a prayer for certiorari to quash the impugned proceedings dated 18.01.2024 issued by the 3rd respondent.

2. The learned counsel for the petitioner submits that an FIR was registered against the petitioner for abetment of corruption, under Section 102 Cr.P.C read with Section 7 of the Prevention of Corruption (Amendment) Act, 2018, on the file of the Vigilance & Anti Corruption, Vellore. Meanwhile, a



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Charge Memorandum was issued to the petitioner on 20.12.2022. Upon submission of the petitioner's explanation, an Enquiry Officer was appointed, who subsequently submitted the Enquiry Report on 18.01.2024. The learned counsel further contends that the petitioner retired from service on 28.02.2023. Therefore, in light of Section 14 of the DCMPU Employees (Conduct, Discipline and Appeal) Rules, the disciplinary proceedings cannot be continued after the retirement of the employee.

2.1. The learned counsel for the petitioner further submits that, pursuant to the Enquiry Report dated 18.01.2024 and in response to the communication issued by the respondents on 05.03.2024, the petitioner submitted an another representation on 21.03.2024. The main contention put forth by the learned counsel for the petitioner is that as per Section 14 of DCMPU Employees (Conduct, Discipline and Appeal) Rules, pertains to retirement while disciplinary proceedings are pending, a plain reading of the provision does not confer any authority upon the Disciplinary Authority to continue the enquiry after the employee's superannuation and the Section merely addresses the aspect of payment of minimum pension. Therefore, the impugned Enquiry Report dated 18.01.2024 is liable to be quashed.



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3. Per contra, the learned Special Government Pleader appearing on behalf of the respondents 1 and 2 vehemently contended that though the petitioner raised such an objection after a delay of more than 19 months, had actively participated in the enquiry proceedings and did not raise any such objection at any earlier stage. It is the further contention that the petitioner has already filed an additional representation, which is pending for consideration at the stage of passing the final order. The learned counsel also contended that Section 14 of DCMPU Employees (Conduct, Discipline and Appeal) Rules, does not, in any way, support the petitioner's claim. Hence, the learned counsel prayed for dismissal of the writ petition.

4. I have given my anxious consideration to either side submissions and also perused the materials available on record.

5. The main ground urged by the learned counsel for the petitioner is that the DCMPU Employees (Conduct, Discipline and Appeal) Rules applicable to the District Co-operative Milk Producers' Union do not empower the authority to continue disciplinary proceedings after the superannuation of



an employee. In this connection the learned counsel relied upon Section 14 of the said Rules. For ready reference the same is extracted hereunder:

“14.Retirement when enquiry is pending:

For persons against whom grave charges are pending, retirement benefits will be settled after the charges are disposed of. In cases where an individual continues to be under suspension due to pendency of disciplinary proceedings after attaining the age of superannuation, he/she shall continue to draw the subsistence allowance subject to a minimum pension he is entitled to receive if he/she is allowed to retire normally.”

6. As rightly pointed out by the learned counsel for the petitioner, Section 14 of the DCMPU Employees (Conduct, Discipline & Appeal) Rules, does not contain any explicit provision authorizing the continuation of disciplinary proceedings after an employee's superannuation. Though the heading of Section refers to “retirement when enquiry is pending”, a harmonious and constructive reading of the provision merely implies that the enquiry may continue even after retirement, but does not expressly confer such authority.



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7. Apart from that, as rightly contended by the learned Special Government Pleader, the present challenge has been raised after a lapse of 19 months, that too, only after the petitioner submitted his further representation in response to the Enquiry Report dated 18.01.2024. Therefore, having participated in the enquiry proceedings and having submitted himself to the disciplinary proceeding even after his retirement on 28.02.2023, this Court does not find any merits in the present writ petition, as the disciplinary authority has acted in accordance with the Employees (Conduct, Discipline and Appeal) Rules.

8. Considering the above facts and circumstances of the case, and that the petitioner has already submitted his further representation on 21.03.2024 itself, while dismissing the writ petition, the respondents are directed to pass final orders within a period of six (6) weeks from the date of receipt of a copy of this order.

9. In the result, the writ petition is dismissed. However, directing the respondents to pass final orders upon the further representation of the



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petitioner within a period of six (6) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No

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C. KUMARAPPAN, J.

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