

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.30278 of 2016

R.Priyavadhani

...Petitioner

Vs

1. The Registrar,
Office of the Registrar of the Co-operative Society,
Kilpauk, Chennai
2. The Joint Registrar,
Office of the Joint Registrar of the
Co-operative Society,
Office of the District Collector Complex,
at Room No.4/10
Salem.
3. The Deputy Registrar,
Office of the Joint Registrar of the
Co-operative Society,
Omalur Circle,
Omalur.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to include the name of the petitioner in the panel of Co-operative Sub-Registrar by treating the maternity leave availed by the petitioner as continuous service as per the representation dated 05.06.2016.

For Petitioner : Mr.M.Raja Sekhar

For Respondents: Mrs.T.Girija
Government Advocate

O R D E R

With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition for issuance of Writ of Mandamus directing the 1st respondent to include the name of the petitioner in the panel of Co-operative Sub-Registrar by treating the maternity leave availed by the petitioner, as continuous service, as per representation dated 05.06.2016.

3. According to the petitioner, she was selected as Senior Inspector on 24.12.2012 through TNPSC and underwent training in Higher Diploma in Co-operative Management from 15.09.2014 to 01.07.2015 through correspondence course for a period of one month and 14 days. While so, she got married on 29.10.2012 and sought for maternity leave for a period of six months from 08.07.2013 to 02.01.2014. Thereafter, the petitioner joined the office of the 3rd respondent. On 24.05.2016, the 1st respondent issued a communication calling for the panel for the post of co-operative sub-registrar from the Senior Inspector by fixing crucial date as 01.05.2016. However, the Form 2 annexed along with the application for the post of Co-operative sub-register states that casual leave alone will not be taken into consideration for completion of three consecutive years in the post of Senior Inspector. Aggrieved against the same, the petitioner on 05.06.2016 submitted a representation through proper channel seeking that the maternity leave availed by her should be taken into as continuous service. However, the 2nd respondent has not forwarded petitioner's application, hence the petitioner has come forward with this petition.

3. The learned counsel for the petitioner also relies on the order passed by this Court in W.P.(MD) No.22994 of 2015 dated 21.12.2015 (N.Praveena Mary Vs. The Secretary to Government and others) wherein in the identical case, the request of the petitioner was granted.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Since the claim of the petitioner is that the leave on maternity period will also amount to continuity of service, this Court is inclined to direct the 1st respondent, namely the Registrar, Office of the Registrar of the Co-operative Society, Kilpauk, Chennai to consider the representation of the petitioner dated 05.06.2016 and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of copy of the order (If the said representation is given only through proper channel and available).

However, it is made clear, that if the representation is not available, then, the petitioner is not entitled to any relief. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Registrar,
Office of the Registrar of the Co-operative Society,
Kilpauk, Chennai.
2. The Joint Registrar,
Office of the Joint Registrar of the
Co-operative Society,
Office of the District Collector Complex,
at Room No.4/10 Salem.
3. The Deputy Registrar,
Office of the Joint Registrar of the
Co-operative Society,
Omalur Circle, Omalur.

+1cc to M/S.M.Raja Sekhar, Advocate Sr.49254
+1cc to the Government Pleader Sr.49991

W.P.No.30278 of 2016

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srg 19/06/2016

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