



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18033 of 2016
and
W.M.P (MD) No.12995 of 2016

M.Radhakrishnan

... Petitioner

vs .

1) The Joint Registrar,
Co-operative Societies,
Tiruchirappalli.

2) Musiri Taluk,
Agricultural Producers Co-operative
Marketing Society,
College Road, Musiri Post,
Tiruchirappalli District,
Represented by its Special Officer.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay compensation of Rs.5,00,000/- for the damages cost to me and also to give promotion to the petitioner with all the emoluments from the date of promotion for which the petitioner was originally eligible.

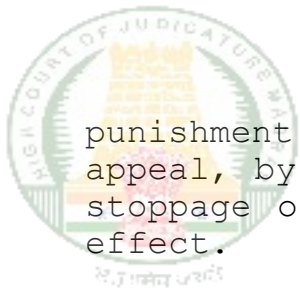
For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.V.Pandi, Government Advocate

ORDER

This Writ of Mandamus has been filed to direct the respondents to give promotion to the petitioner with all emoluments from the date of promotion, on the ground that despite the expiry of the period of punishment, the petitioner's claim for promotion was not considered. So contending, a representation dated 30.05.2016 has been submitted by the petitioner to the 1st respondent. As the said representation was not considered, this Writ Petition has been filed.

2.The petitioner was issued with a charge memo alleging dereliction of duty. The allegation was that he was absenting himself from duty without any prior permission and without any application for leave. After the enquiry, he was imposed with a



punishment of stoppage of promotion for a period of three years, on appeal, by order dated 28.05.2014, the punishment was modified into stoppage of promotion for a period of two years without cumulative effect.

3. Now the claim of the petitioner is that the period of three years as per the order passed in the disciplinary proceedings is over by 27.05.2014. When the period of punishment is over, then it is legitimate for the petitioner to make a claim for promotion. It is also represented that there is a vacancy in the promotional post to which the petitioner should be considered.

4. The learned Government Advocate appearing for the respondents would submit that it is agreeable for the 1st respondent to consider the representation of the petitioner dated 30.05.2016 and to pass orders.

5. Under such circumstances, this Writ Petition is disposed of directing the 1st respondent to consider the representation of the petitioner dated 30.05.2016 and to pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, W.M.P(MD)No.12995 of 2016 is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

- 1) The Joint Registrar,
Co-operative Societies,
Tiruchirappalli.
- 2) The Special Officer. Musiri Taluk,
Agricultural Producers Co-operative
Marketing Society,
College Road, Musiri Post,
Tiruchirappalli District.

+ 1 CC TO Mr.S.MUTHUKRISHNAN, ADVOCATE IN SR No. 54879
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 55144

NBI

TE/CK : 08/11/2016 : 2P/5C
<https://hcservices.ecourts.gov.in/hcservices/>

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