

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.11.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22770 of 2010
and
M.P.No.1 of 2010

R.Veerasamy

..Petitioner

vs

1.The State of Tamilnadu,
rep.by its Secretary,
Food, Cooperation & Consumer Department,
Fort St.George, Chennai - 600 009.

2.The Registrar of Cooperative Societies,
N V N Maaligai,
No.171, E V R Periyar Salai,
Kilpauk, Chennai - 600 010
.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the claim of the petitioner for promotion as Deputy Registrar of Cooperative Society from the date on which his immediate juniors were promoted as such, without reference to the censure dated 25.2.2008, forthwith and to extend all benefits both service and monetary.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-operatives)

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O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the claim of the petitioner for promotion as Deputy Registrar of Cooperative Society from the date on which his immediate juniors were promoted as such, without reference to the punishment of censure issued against the writ petitioner in proceedings dated 25.2.2008.

2.The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was appointed as Junior Inspector of Cooperative Societies on 27.1.1982 and thereafter, promoted to the post of Cooperative Sub-Registrar in the year 1994. The next avenue for promotion is to the post of Deputy Registrar of Cooperative Societies. The petitioner states that he is fully qualified and eligible for promotion to the post of Deputy Registrar of Cooperative Societies in the year 2007. However, the consideration was given in the panel in the year 2009, the juniors of the writ petitioner were promoted as Deputy Registrar of Cooperative Societies in the panel published by the respondents in the year 2009-2010. The panel of the year 2009-2010 was approved and an order of promotion was issued in G.O.Ms.No.63, Cooperation, Food and Consumer Protection (CD1) Department, dated 26.05.2010.

3.The learned counsel for the petitioner states that the name of the petitioner ought to have been placed in between one Mr.S.Sankaran, (serial No.90) and P.Arumugam in Serial No.91. However, the name of the petitioner has been deferred on account of the fact that 17(a) charges are pending during the relevant point of time. The learned counsel for the petitioner states that at the time of consideration of the panel for the year 2009-2010, 17(a) charges were pending against the writ petitioner and the pendency of the charges under Rule 17(a) is not a bar for promotion. However, the punishment of censure expired on 24.02.2009. The crucial date for preparation for the panel of the year 2009-2010 is 01.10.2008. In view of the fact that the currency of censure was also not in force and the eligibility of the writ petitioner was from the year 2007, the case of the petitioner ought to have been considered in the panel for the year 2009-2010 and the promotion order was issued to the juniors to the writ petitioner in G.O.Ms.No.63, Cooperation, Food and Consumer Protection (CD1) Department, dated 26.05.2010.

4.The learned Special Government Pleader appearing on behalf of the respondents has not disputed the fact in this regard. The fact regarding the eligibility of the writ petitioner for promotion to the post of Deputy Registrar of Cooperative Societies has not been disputed. Further, during the year 2008-2009, the charges under Rule 17(a) was pending. Further, the punishment of censure was imposed on the writ petitioner and the same has expired on 24.02.2009. Thus, the name of the writ petitioner has been erroneously deferred by the respondents on par with his junior. In this view of the matter, the case of the writ petitioner deserves to be considered. Considering the facts and circumstances of the case, the 1st respondent is directed to reconsider the case of the writ petitioner based on

his representation dated 03.06.2010 and take a decision and pass final 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.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

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Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
The State of Tamilnadu,
Food, Cooperation & Consumer Department,
Fort St. George, Chennai - 600 009.

2. The Registrar of Cooperative Societies,
N V N Maaligai,
No.171, E V R Periyar Salai,
Kilpauk, Chennai - 600 010

+1cc to Mr.C.Chandrakumar, Advocate SR.No.84056/17

+1cc to Government Pleader, SR.No.84194/17

W.P.No.22770 of 2010

BR(CO)

sm:19.12.2017

सत्यमेव जयते

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