

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 19447 of 2018

R. Selvaraj

...Petitioner

Vs.

1. The Principal Secretary,
Finance (Co-operative Audit) Department,
Secretariat,
Chennai - 600 009.

2. The Director Co-operative Audit Department,
Co-operative Audit Department,
Combined Finance Dept. Building,
III Floor, No. 571, Anna Salai,
Chennai - 600 035.

3. The Asst. Director Co-operative Audit,
1036A, V.G.P Nagar West,
Vazhuthareddy New Bus Stand,
Villupuram,
Villupuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to dispose of the petitioner's representation Dt. 11-04-2018 pending on the file of the respondent No. 1.

For Petitioner : Mr. S. Sriraman
For Respondents : Mr. L.P. Shanmugasundaram
Special Government Pleader

O R D E R

Heard Mr.L.Sriraman, the learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, the Learned Special Government Pleader who accepts notice on behalf of the respondents. With consent of the learned counsel on either side, the Writ Petition is taken for disposal.

2. The grievance of the petitioner, in this case is that he is a retired junior Co-operative Auditor. He along with others were brought to the service on creation of the Special

Wing. However, the said post being meant for direct recruitment, when the direct recruitment was made, the petitioner ought to have been reverted, but, the Government making a special note vide G.O. Ms.No.115 of Cooperative Department, dated 17.05.1995 allowed them to continue in the Department, provided, they pass the special qualifying examination for their absorption in the Department to be considered as Junior Co-operative Auditors. The petitioner along with other similarly situated examinees appeared, out of which, 21 candidates failed and when they were going to be reverted back, they made different litigations, and pursuant to different litigations, they were kept as such. The petitioner and some others also did not complete their probation by passing the qualifying examination. Subsequently, the Government came to relax the Rule with regard to the Junior Co-operative Auditor by Rule quoted in G.O. Ms. No. 121/2013 dated 17.04.2013. The petitioner, in the meanwhile, had been retired without declarement of his probation. Hence, he has come forward with a representation to the first respondent/Government to declare his probation to have been cleared and subsequent promotion to the next higher cadre during his service, when the same fell due. Since the said representation is pending with the first respondent/Government since 11.04.2018, he has come to this Court seeking a writ of mandamus directing the first respondent to dispose of such representation in accordance with law.

3. Considering the limited grievance of the petitioner, after hearing the learned counsel for the parties, this Court disposes of the Writ Petition with a direction to the first respondent to take an informed and considered decision on the representation of the petitioner, if the same is pending within a period of eight weeks from the date of receipt of a copy of this order, if there is no legal impediment, but, in accordance with the law. However, it is made clear that this order should not be construed as expression of any opinion on the merit of the representation of the petitione in any manner.

4. With the aforesaid order this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

mrm/sd

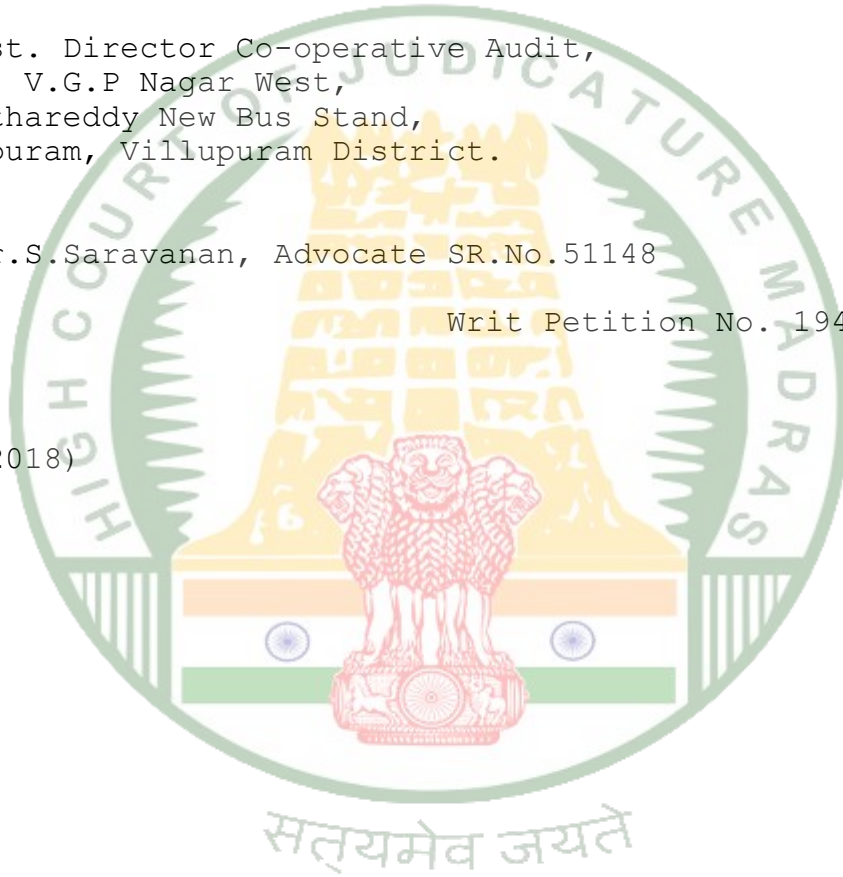
To

1. The Principal Secretary,
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+1cc to Mr.S.Saravanan, Advocate SR.No.51148

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GP (CO)
GN (23/08/2018)



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