



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.2438 of 2011

and

MP (MD) Nos.1 and 2 of 2011

S.Devaki

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its
Additional Secretary to Government,
Finance (Co-operative Audit) Department,
Chennai - 09.

2.The Director of Co-operative Audit,
Chennai - 5.

3.The Joint Director of Co-operative Audit,
Headquarters, Chennai -5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in கடித எண்.61155/கூத 2008/6, நாள் 08.02.2010 of the Respondent No. 1 communicated in நக.எண்.6853/08, நாள் 26.02.2010 of Respondent No.2 relating to the denial of the petitioner's promotion as Senior Co-operative Auditor, quash the same and issue consequential direction to Respondent Nos.1 and 2 to include the petitioner's name in the panel of Junior Co-operative Auditor fit for promotion as Senior Co-operative Auditor as on 01.10.2007 and promote her as Senior Co-operative Auditor retrospectively from the date in which her immediate senior who was promoted in 01.10.2007 panel with all attendant service and monetary benefits.

For Petitioner : Mr.K.Suresh Kumar

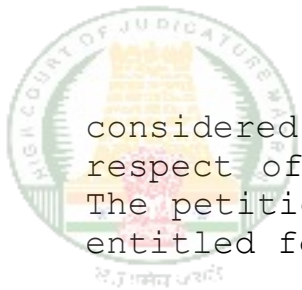
For Respondents 1 to 3: Mr.C.Selvaraj,
Special Government Pleader,

For Respondent 4 : No appearance

ORDER

The order of rejection of promotion to the post of Senior Co-operative Auditor on 01.10.2007 is under challenge, in this writ petition.

2. The writ petitioner was promoted to the post of Junior Co-operative Auditor on 14.10.2005 from the post of Steno-Typist Grade III and the next promotion post is Senior Co-Operative Auditor. The writ petitioner claims that her name was not



considered inspite of the fact that relaxation was granted in respect of the training period in favour of the writ petitioner. The petitioner claims that in view of the relaxation, she would be entitled for promotion to the post of Senior Co-Operative Auditor.

3. However, on perusal of the impugned order, it is made clear that as per Rule 8(b), after the completion of one year training, the incumbent would complete the service of one year in the post of Junior Co-Operative Auditor. As per Rule 8 (b)(1), the following conditions are to be fulfilled for the promotion to the post of Senior Co-Operative Auditor. A person,

- (i) Should pass the Account test ,
- (ii) District Office Manual test and
- (iii) Should have completed one year of service in the post of Junior Co-operative Auditor.

However, the writ petitioner was granted with an order of exemption in respect of the first two conditions. But the writ petitioner had not completed the tenure of one year in the post of Junior Co-Operative Auditor. Thus the promotion was not considered during the relevant point of time.

4. The learned Special Government Pleader appearing for the respondents, made it clear that during the pendency of the writ petition, the writ petitioner would have completed the period of one year of service in the post of the Junior Co-operative Auditor. Therefore, her case has to be considered on merits and in accordance with law. The writ petitioner would have become eligible for the promotion to the post of the Senior Co-operative Auditor, during the pendency of the writ petition.

5. In view of the facts and circumstances of the case, this Court is of the opinion that it is suffice, if a direction is issued to consider the case of the writ petitioner in accordance with law. Accordingly, the writ petitioner is permitted to submit a representation to the respondents, setting out all the facts and circumstances along with the orders, within a period of three weeks from the date of receipt of a copy of this order and on receipt of such representation from the petitioner, the respondents are directed to consider the same on merits and in accordance with law and pass final orders within a period of twelve weeks therefrom.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, MP(MD) Nos.1 and 2 of 2011 are closed.

Sd/-

Assistant Registrar (T&P)

/True copy/



To

1.The Additional Secretary to Government,
Finance (Co-operative Audit) Department,
Chennai - 09.

2.The Director of Co-operative Audit,
Chennai - 5.

3.The Joint Director of Co-operative Audit,
Headquarters, Chennai -5.

+1cc to M/S.Special Government Pleader,SR. 40512

+1cc to Mr.K.SURESH KUMAR,Advocate,SR.40760

W.P (MD) No.2438 of 2011
04.01.2018

DSK

KK/SV MMS/SAR 2/22.01.2018/ 3P- 6C/