



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.39742 of 2016

U.Ghouse Basha
Petitioner

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Vs

1. The Director
Directorate of Co-operative Audit
Chennai-600 005.
2. The Principal Secretary
Finance (Co-operative Audit) Department
Secretariat
St.George Fort
Chennai-600 009.

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Respondents

Prayer:- This Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the orders of the Second Respondent in his Government Letter No.40482/CA/2014, dated 11.02.2016 as contemplated and communicated by the first respondent in his Letter R.C.No.15703/2015/G.A.2, dated 25.07.2016 and quash the same as against the violation of the Constitution of India, malafide, unjust and erroneous and consequently directing the first respondent to fix petitioner's seniority as per Rule 36(a) of the Tamil Nadu State and Subordinate Service Rules.

For Petitioners : Mr.Parthasarathy

For M/s.Jerry &

V.V.Sundar

For Respondent : Mr.T.Girija

Government Advocate for

R1 & R2

O R D E R



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This Writ Petition has been filed challenging the orders of the Second Respondent in his Government Letter No.40482/CA/2014, dated 11.02.2016 as contemplated and communicated by the first respondent in his Letter R.C.No.15703/2015/G.A.2, dated 25.07.2016 and quash the same and consequently directing the first respondent to fix petitioner's seniority as per Rule 36(a) of the Tamil Nadu State and Subordinate Service Rules.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The learned Government Advocate placed the facts before this Court, pending the aforesaid writ petition, the Writ Petitioner made a representation to the first respondent on 07.01.2019 to reconsider the revised seniority list for Junior Co-operative Auditor as on 01.04.1997 and include his name in the panel for the promotion to the post of Assistant Director of Co-operative Audit as on 01.10.2018. According to the learned Government Advocate, the aforesaid representation was forwarded to the Government for clarification to consider the petitioner's request and the same is still pending with the Government.

4. The learned counsel for the petitioner submitted before this Court that if the writ petitioner is satisfied, appropriate direction may be issued by this Court to decide the aforesaid representation within a time as framed by this Court. According to the learned counsel for the petitioner, the authority has also to consider the rule 36 (a) of the Tamil Nadu Subordinate Service at the time of considering the representation of the petitioner.

5. In the light of the above submission made by the parties, without expressing any opinion on the merits of the matter, this Court is inclined to direct the second respondent to consider the petitioner's representation dated 07.1.2019 on merits and in accordance with law, as expeditiously as possible more preferably within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Director

Directorate of Co-operative Audit
Chennai-600 005.

2. The Principal Secretary

Finance (Co-operative Audit) Department
Secretariat
St.George Fort
Chennai-600 009.

+1cc to Mr.Jerry V.V.Sundar , Advocate SR.No. 102789

+1 cc to Spl Government Pleader Sr.No. 102495

W.P.No.39742 of 2016

A.SK(07/01/2020)