

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 09-12-2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17865 OF 2019

M.Raja

... Petitioner

-VS-

- 1.The Secretary to Government,
Cooperative Food and Consumer Protection Department,
Secretariat,
Fort. St.George,
Chennai-600 009.
- 2.The Registrar of Cooperative Societies,
No.170, Periyar E.V.R.High Road,
Kilpauk,
Chennai-600 010.
- 3.The Joint Registrar of Cooperative Societies,
Krishnagiri Region,
Krishnagiri.

... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent to include the petitioner name in the promotional panel for the year 2018-2019 for the post of Deputy Registrar of Co-operative Societies as per the proceedings of the second respondent in Rc.No.770/2018/P.A.1, dated 27.06.2018.

For Petitioner : Mr.N.G.R.Prasad for
Mr.V.Stalin

For Respondents: Mr.L.P.Shanmugasundaram,
Special Government Pleader.(CoOP)

ORDER

This Writ Petition has been filed seeking for a writ of mandamus, directing the second respondent to include the name of the petitioner in the Promotion Panel for the year 2018-2019 for the post of Deputy Registrar of Co-operative Societies.

2. Case of the petitioner is that he was initially appointed as Junior Inspector of Co-operative Societies in the year 1993 and was subsequently promoted as Co-operative Sub Registrar in the year 2002 and is presently working as Co-operative Sub Registrar Field Officer. While that be so, he was served with a Charge Memo on 25.08.2015 under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The charge against him is that his wife purchased a land in the year 1996 and the same was in violation of the Tamil Nadu Government Servant Rules. An Inquiry Officer was appointed and pursuant to the finding given by the Inquiry Officer, the third respondent imposed a punishment of 'Censure' on the petitioner on 15.02.2018.

3. Petitioner claims to be entitled to be considered for promotion to the post of Deputy Registrar of Co-operative Societies. He has also submitted a Proforma to the second respondent giving all the details and it is the grievance of the petitioner that the second respondent has neither processed nor approved the Promotion Panel and it is still pending. Aggrieved over the same, the present Writ Petition has been filed.

4. Mr.V.Stalin, learned counsel for the petitioner, has submitted that punishment of 'Censure' imposed against the petitioner on 15.02.2018 is minor and, therefore, there is no impediment for the name of the petitioner to be considered for promotion to the post of Deputy Registrar of Co-operative Societies. He further submitted that the name of the petitioner was forwarded by the third respondent to the second respondent and the second respondent is yet to include the name of the petitioner in the Promotion Panel. The learned counsel also submitted that detailed representations, 14.02.2019 and 02.05.2019, have been given to the second respondent, but, till-date, no action has been taken on the said representations.

5. Heard Mr.L.P.Shanmugasundaram, learned Special Government Pleader, appearing for the respondents.

6. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner has already given representations to the second respondent, requesting to include his name in the Promotion Panel to be considered for promotion to the post of Deputy Registrar of Co-operative Societies, a direction can be issued to the second respondent to consider the request of the petitioner on its own merits and in accordance with law.

7. Accordingly, this Writ Petition is disposed of, directing the second respondent to consider the representations of the petitioner, dated 14.02.2019 and 02.05.2019; take a decision with regard to including the name of the petitioner in the Promotion Panel and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

8. Petitioner is directed to submit a fresh representation along with copies of the earlier representations, dated 14.02.2019 and 02.05.2019, and also a copy of this order to the second respondent.

9. No costs. Consequently, the connected W.M.P.Nos.17269 and 19471 of 2019 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Cooperative Food and Consumer Protection Department,
Secretariat,
Fort. St.George, Chennai-600 009.
- 2.The Registrar of Cooperative Societies,
No.170, Periyar E.V.R.High Road,
Kilpauk, Chennai-600 010.
- 3.The Joint Registrar of Cooperative Societies,
Krishnagiri Region, Krishnagiri.
- 4.The Deputy Registrar of Co-operative Societies,
Chennai.

+1cc to the Special Government Pleader Sr.102930
+1cc to Mr.V.Stalin, Advocate Sr.102840

W.P.No.17865 OF 2019

kk[co]
srg 11/12/2019