IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27294 of 2019
and
W.M.P.Nos.26721 & 26722 of 2019

M.P.Indrajith ... Petitioner

Vs.

1.The State of Tamilnadu,
Rep.by its Secretary,
Finance (Co-operative Audit) Department,
Fort.St.George,
Chennai - 600 009.

2.The State of Tamilnadu,
Rep.by its Secretary,
Co-operative Department,
Fort.St.George,
Chennai - 600 009.

3.The Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
170, Periyar EVR Road,
Kilpauk, Chennai.

4.The Director of Co-operative Audit,
Directorate of Co-operative Audit,
II Floor, Amma Complex,
Veterinary Hospital Complex,
No.571, Anna Salai,
Chennai - 600 035. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of impugned proceedings in Lr.No.37391/Finance (Co-operative Audit)/2016, dated 03.04.2019 passed by the 1st respondent and quash the same and consequently to direct the respondents to include the petitioner's name in the eligibility list of candidates for Co-operative Audit Officer as on 01.10.2004 and reckoning the service of Senior Inspector of Co-operative Societies in Co-operative Department

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and as per the senior co-operative auditor seniority number 162 of 01.04.2003 senior co-operative auditor seniority list. Based on the petitioner representation dated 09.08.2019.

For Petitioner : Mr.M.Rajendiran

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

ORDER

By consent, this writ petition is taken up for final disposal.

2.The petitioner was appointed as Junior Assistant in the District Co-operative Audit Office, Erode on 10.05.1985. Thereafter, he was promoted as Junior Inspector of Co-operative Societies vide proceedings of the Joint Registrar of Co-operative Societies, Chennai dated 25.04.1989 and was posted as Junior Inspector of Co-operative Societies on 28.04.1990 and the petitioner's seniority was fixed as 5324 in the Junior Inspector of Co-operative Societies Category by the Registrar of Co-operative Societies in 01.01.1977 establishment list and the same was also restored in Co-operative Audit Department by the Director of Co-operative Audit in 01.01.1977/01.04.1993 Junior Co-operative Auditor Seniority list on regular basis in Co-operative Audit Department. Thereafter, before absorption, the petitioner and others were given promotion as Senior Inspector of Co-operative Societies in the Co-operative Department/Co-operative Audit Department vide proceedings in Na.Ka.162909/1992/pa.tho.1 dated 28.06.1993 and the petitioner and others were joined in the said post on 22.09.1993. After, this promotion, the petitioner and others were permanently absorbed in the Co-operative Audit Department as per G.O.Ms.No.159 Finance (CA) Department dated 05.03.1996 and the petitioner's seniority number in Senior Co-operative Auditor in Co-operative Audit Department is 1589 as on 01.04.1997 seniority list and 1392 in 01.04.2000 seniority lit and 162 in 01.04.2003 seniority list on the basis of Junior Inspector of Co-operative Societies establishment number 5324 of 01.01.1977 list and the same in Co-operative Audit Department also. Therefore, the petitioner filed an appeal before the Tamil Nadu Administrative Tribunal in O.A.No.2163 of 1996 challenging the permanent absorption. The same was transferred to this Court and re-numbered as W.P.No.34449 of 2006 and the same was dismissed on 02.09.2009, as against an appeal was filed in W.A.No.1305 of 2011, which was also dismissed by a order dated 02.11.2011.

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Subsequently, the petitioner joined as Senior Co-operative Auditor on 23.12.2011 under the control of 4th respondent as per G.O.424 Finance(CA)department dated 08.11.2013 and as per the proceedings of the 4th respondent dated 23.12.2013, the petitioner was included in the Co-operative Audit Officer promotion panel as on 01.10.2012 and the petitioner promoted as co-operative audit officer and joined duty on 28.02.2014 and is still working in the same category. The petitioner has submitted a representation 09.08.2019 to the respondents to include his name in the eligibility list of candidates for Co-operative Audit Officer as on 01.10.2004, reckoning the service of Senior Inspector of Co-operative Societies in Co-operative Department as per the senior Co-operative auditor seniority list. Since the same was not considered, the petitioner has filed the present writ petition.

3.Heard the submissions of the learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing on behalf of the respondents-Co-operative Socieites.

4.The learned counsel for the petitioner would submit that without going into the merits of the case, it would suffice if a direction is issued to the first respondent to consider the representation of the petitioner dated 09.08.2019 and pass orders within the time stipulated by this Court.

5.Though the petitioner has prayed for larger relief, this Court in the light of the above facts and circumstances and without expressing any opinion on the merits of the case, directs the first respondent to consider and dispose of the representation of the petitioner dated 09.08.2019 and pass 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 and communicate the decision taken to the petitioner. For ready reference, the petitioner is directed to enclose a copy of the representation alongwith this order copy to enable the 1st respondent to pass orders.

6.Accordingly, this writ petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (C.S. VI)

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Sub Assistant Registrar

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To

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Directorate of Co-operative Audit,
II Floor, Amma Complex,
Veterinary Hospital Complex,
No.571, Anna Salai,
Chennai - 600 035.

+1 cc to M/s.M.Rajendiran,Advocate Sr.No. 79544
+1 cc to The Special Government Pleader SR.No.79668

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