



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2019
CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

WEB COPY

W.P.(MD)No.8216 of 2012

I.Gabriel ... Petitioner
vs.

1.The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.

2.The Joint Registrar of Co-operative Societies,
Ganapaty Nagar,
Thanjavur. ... Respondents

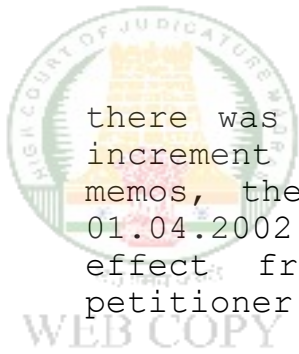
Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned orders passed by the 2nd respondent in his proceedings in Rc.No.5158/2011/EM dated 25.04.2012 and consequential order in Na.Ka.No.5158/2011/Pa.Tho. dated 16.05.2012 regarding rejection of Selection Grade from the date of 06.03.2000 alone and quash the same and directing the 2nd respondent to award Selection Grade from 06.03.2000 onwards to the Petitioner.

For Petitioner : Mr.G.Karnan
For Respondents : Mr.D.Muruganantham
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned orders passed by the 2nd respondent in his proceedings in Rc.No.5158/2011/EM dated 25.04.2012 and consequential order in Na.Ka.No.5158/2011/Pa.Tho. dated 16.05.2012 regarding rejection of Selection Grade from the date of 06.03.2000 alone and quash the same and directing the 2nd respondent to award Selection Grade from 06.03.2000 onwards to the Petitioner.

2.The petitioner was appointed as Junior Assistant earlier in the second respondent office. He was later promoted as Sub-Registrar of Co-operative Societies. The petitioner in his affidavit has not given any particulars about his promotion as to when he joined duty on promotion. However, from the impugned order, it is seen that the petitioner joined as Sub Registrar of Co-operative Society on 22.01.1992. After 10 years of service, he was entitled to Selection Grade with effect from 22.01.2002. Since



there was minor punishment against the petitioner for stoppage of increment for three months in respect of three different charge memos, the petitioner was given Selection Grade with effect from 01.04.2002. Challenging the order awarding Selection grade with effect from 01.04.2002, the writ petition is filed by the petitioner.

3.In the memorandum of grounds, the petitioner has stated that the respondent has awarded Selection Grade with effect from 01.04.2002 in stead of 06.03.2000. It is further stated that there was no currency of punishment as on the date when the petitioner was eligible for Selection Grade i.e., on 06.03.2000.

4.It is not known how the petitioner seeks relief on the basis of his appointment, with effect from 06.03.2000. The petitioner has assumed his appointment, and seeking relief with effect from 06.03.2000 without producing any records. Learned counsel for the petitioner relied upon the proceedings of the respondent, dated 16.05.2012, wherein the petitioner's appointment was stated as 22.01.1992. There is a reference to a temporary appointment of petitioner earlier for a period of 1 year and 10 months and 14 days. Relying upon the said communication, the petitioner has prayed for the relief. The communication, dated 16.05.2012 issued by the second respondent is examined. The order dated 16.05.2012 clearly indicate that the original appointment of petitioner in the post of Sub Registrar was on 22.09.1992 and that he is entitled to get Selection Grade pay only after completion of 10 years from 22.01.1992. It is made clear to the petitioner that on account of currency of punishment for 3 months, he is entitled to Selection grade only from 01.04.2002. Merely because there is reference to an inclusion of temporary appointment that was given to the petitioner for one year and odd there is no indication from the communication that the respondent has admitted the petitioner's claim that he was appointed 1 year 10 months prior to 22.01.1992. In the absence of any material or valid objection being raised by the petitioner, this Court is not inclined to interfere with the impugned order of second respondent. The contention that the petitioner is entitled to Selection Grade with effect from 06.03.2000 has no basis. There is no merit in this writ petition.

5.Hence, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (AD-I)

/TRUE COPY/

Sub Assistant Registrar

TM

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.

2.The Joint Registrar of Co-operative Societies,
Ganapaty Nagar,
Thanjavur.

+1 CC to M/s.G.KARNAN, Advocate (SR-87898[F] dated 19/09/2019)

+1 CC to M/s.SPL GP (SR-88400[F] dated 20/09/2019)

W.P. (MD) .No.8216 of 2012
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JM/14.10.2019/3P/5C