

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.15841 of 2020

and

W.M.P.Nos.19690 & 19691 of 2020

K.R.Sivaraj
S/o A.Ramasamy,
No.118/9, V.S.Illam,
Theeran Chinnamalai Street,
Ketti Nagar, Nadarmedu,
Erode - 2. ...Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Cooperative, Food and Consumer Protection (CE1) Department,
Fort St.George,
Chennai - 600 009.
2. The Registrar of Cooperative Societies,
Kilpauk, Chennai - 600 010.
3. A.Alagiri,
Joint Registrar of Cooperative Societies,
Tirunelveli Region,
Tirunelveli, Tirunelveli District. ...Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the entire records relating to the impugned G.O. issued by the 1st respondent in G.O.(D)No.140, Cooperative, Food and Consumer Protection (CE1) Department, dated 16.10.2020 in so far relates to the 3rd respondent promotion and quash the same.

For Petitioner: Mr.C.Prakasam
for Mrs.R.Hemalatha

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

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. The petitioner has come up with this writ petition challenging the order granting promotion to the 3rd respondent as Joint Registrar of Co-operative Societies on the ground that there were allegations against him and therefore, the 3rd respondent is not entitled to the promotion.

3. According to the petitioner, he was earlier working as a Chief Revenue Officer and at that time, he has given some complaint against the 3rd respondent. The petitioner has indicated in the affidavit that he is 65 year old, retired from government service seven years before.

4. How the petitioner is aggrieved by the promotion of the 3rd respondent presently is explained by the petitioner in the affidavit, which would unequivocally disclose that the petitioner has an axe to grind against the 3rd respondent.

5. This Court is unable to appreciate as to how the petitioner would maintain such a prayer challenging the promotion of the 3rd respondent when he has no stakes at all in the impugned promotion. A retired government service cannot be allowed to invoke the constitutional jurisdiction of this Court to settle his personal grudge against the serving officer. Such mischievous and motivated attempt to drag this Court into his personal fight has to be strongly deprecated and to be nipped in the bud. Invoking constitutional jurisdiction of this Court is not a past time luxury for the retired Government servant to indulge in. In the circumstances, this Court is of the view that the precious time of this Court being wasted on a frivolous and a mischievous litigation to advance his personal agenda, the writ petition has to be dismissed with exemplary costs.

6. Therefore, the Writ Petition is dismissed with Rs.5,000/- (Rupees Five thousand only) costs, payable by the petitioner to the Honourable Chief Minister Covid -19 Relief Fund and the cost is directed to be paid within a period of two weeks from the date of receipt of a copy of this order.

7. Registry is directed to mark a copy of the order to the Collector, Erode District, where the petitioner claims to be residing as found in the cause title of the affidavit. If the cost is not paid within the stipulated time, the Collector is directed to recover the amount from the petitioner by initiating

proceedings under the Tamilnadu Revenue Recovery Act and remit the same to the Honourable Chief Minister Covid -19 Relief Fund.

No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary to Government,
Cooperative, Food and Consumer Protection (CE1) Department,
Fort St.George,
Chennai - 600 009.
2. The Registrar of Cooperative Societies,
Kilpauk, Chennai - 600 010.
- 3.The Secretary to Government,
Chief Minister's Relief Fund,
Fort St. George, Chennai-7.
4. The Collector,
Erode District, Erode.

+1cc to the Special Government Pleader sr.35900

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W.P.No.15841 of 2020

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srg 03/12/2020

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