



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.06.2020

CORAM:

THE HONOURABLE JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.6545 of 2020

D.Vedhanayagi

Petitioner

Vs.

1. The Director of Co-operative Audit Department,
571, Anna Salai, 2nd Floor,
Amma Complex, Veterinary Hospital Campus,
Nandanam, Chennai - 600 035.

2. The Assistant Director,
Co-operative Audit Department,
2743, Pookaramary Street,
Thanjavur - 613 001.

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 the first respondent relating to the Director of Co-operative Audit, Chennai passed in ந.க.22850/2019/பொநி 3 நாள்: 30.03.2020 and communicated by the second respondent i.e., the Assistant Director of Co-operative Audit, Thanjavur in his endorsement number மே.கு.ந.க.2604/2019/ பதொ நாள் - 27.05.2020 and quash the same and consequently direct the first respondent i.e., the Director of Co-operative Audit, Chennai to include the name of the petitioner in the approved list of Co-operative Audit Officer (CAO) of the year 2019-2020 according to her seniority in the feeder category within a specified time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Rajarajan, Government Advocate

ORDER

M.Rajarajan, learned Government Advocate, takes notice on behalf of the respondents. By consent of both parties, the Writ Petition is disposed of at the stage of admission itself.

2. The writ petitioner is serving as Senior Inspector of Co-operative Audit in the office of the Assistant Director of Co-operative Audit, Thanjavur. She was originally recruited as Junior Inspector of Co-operative Audit in the year 2013. She was given promotion subsequently. The grievance of the petitioner is that the name of the petitioner was not included in the approved list for Co-operative Audit officer (CAO) in the year 2019, on the only ground that she had not completed 3 years of service in the cadre of Senior Inspector of Co-operative Audit as on 01.10.2019. The petitioner states that she was on maternity leave from 26.09.2016 to 22.06.2017.

3. The learned counsel for the petitioner brings to the notice of this Court that according to Section 12 of the Tamil Nadu



Government Servant (Conditions of Service) Act, 2016, the periods spent on leave will not bar any individual from being promoted if she is otherwise fully qualified. The learned counsel also placed reliance on the judgment delivered on **25.04.2018 in WP (MD) No.8115 of 2018 (S.Renuka Vs.The Principal Secretary to Government and others)**, wherein, a learned single Judge stated that the respondents should consider the request of the petitioner therein for inclusion of his name in the seniority panel.

4. The above case is squarely applicable to the present case on hand. Therefore, a direction is issued to the respondents to consider the name of the petitioner in the approved list for Co-operative Audit officer (CAO) in the year 2019-2020. The respondents cannot hold that the petitioner was on medical leave from 26.09.2016 to 22.06.2017. The period of leave availed by the petitioner may be deemed to be period in service.

5.The impugned order is hereby set aside and the matter is remanded back to the authorities concerned for fresh consideration. Such exercise shall be completed before 31.07.2020.

6. With the above directions, the Writ Petition is ordered. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director of Co-operative Audit Department,
571, Anna Salai, 2nd Floor,
Amma Complex, Veterinary Hospital Campus,
Nandanam, Chennai - 600 035.
2. The Assistant Director,
Co-operative Audit Department,
2743, Pookaramary Street, Thanjavur - 613 001.

Order made in

W.P. (MD)No.6545 of 2020

09.06.2020

sma/19/06/2020/2p/3c

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