

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.972 of 2021  
(Heard through VC)

G.Siva

... Petitioner

-vs-

1.The State of Tamil Nadu,  
Rep. by its Principal Secretary,  
Cooperation Food and Consumer Protection Department,  
Fort St.George,  
Chennai - 600 009.

2.The Registrar of Co-operative Societies,  
NVN Maligali,  
No.170, EVR Periyar Road,  
Kilpauk, Chennai - 600 010.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent to pass orders on the representation dated 02.12.2020 seeking consideration of the claim of the petitioner for promotion to the post of Deputy Registrar of Cooperative Societies in the panel dated 01.10.2019 on merits and as per law.

For Petitioner : Mr.N.R.Jasmine Padma

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

O R D E R

The relief sought for in this writ petition is for a direction to the first respondent to pass orders on the representation dated 02.12.2020 seeking consideration of the claim of the petitioner for promotion to the post of Deputy Registrar of Cooperative Societies in the panel dated 01.10.2019 on merits and as per law.

2. Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice on behalf of the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was working as Cooperative Sub Registrar (CSR). While working as CSR, he was faced with departmental proceedings alleging lapses, which ultimately resulted in imposition of a minor penalty of stoppage of increment for a period of one year without cumulative effect. The effect of penalty commenced on 01.10.2018 and completed on 30.09.2019 thereby entailing him for further promotion as Deputy Registrar. In the meantime, the panel of persons fit for promotion to the post of Deputy Registrar came to be drawn as on 01.10.2018 and the petitioner's name came to be overlooked on the ground that he was undergoing penalty for the 2<sup>nd</sup> time viz., the 1<sup>st</sup> time being the pendency of charge and the 2<sup>nd</sup> being for undergoing the penalty. He undergone the penalty as early as on 30.09.2019 and that the petitioner needs to be promoted as Deputy Registrar in the panel dated 01.10.2019. It is stated that the respondents are taking steps to promote by and large juniors to that of the petitioner as DR overlooking his claim in the panel dated 01.10.2019. Hence, he made a representation dated 02.12.2020 to the respondents seeking consideration of the claim of the petitioner for promotion to the post of Deputy Registrar of Co-operative Societies in the panel dated 01.10.2019. But, till date, there was no response. Hence, this petition.

4. Considering the facts and circumstances of the case, as the petitioner's representation is already pending with the authority concerned, this Court directs the first respondent herein to consider the petitioner's representation dated 02.12.2020, if not already considered and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and others, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rsi  
To

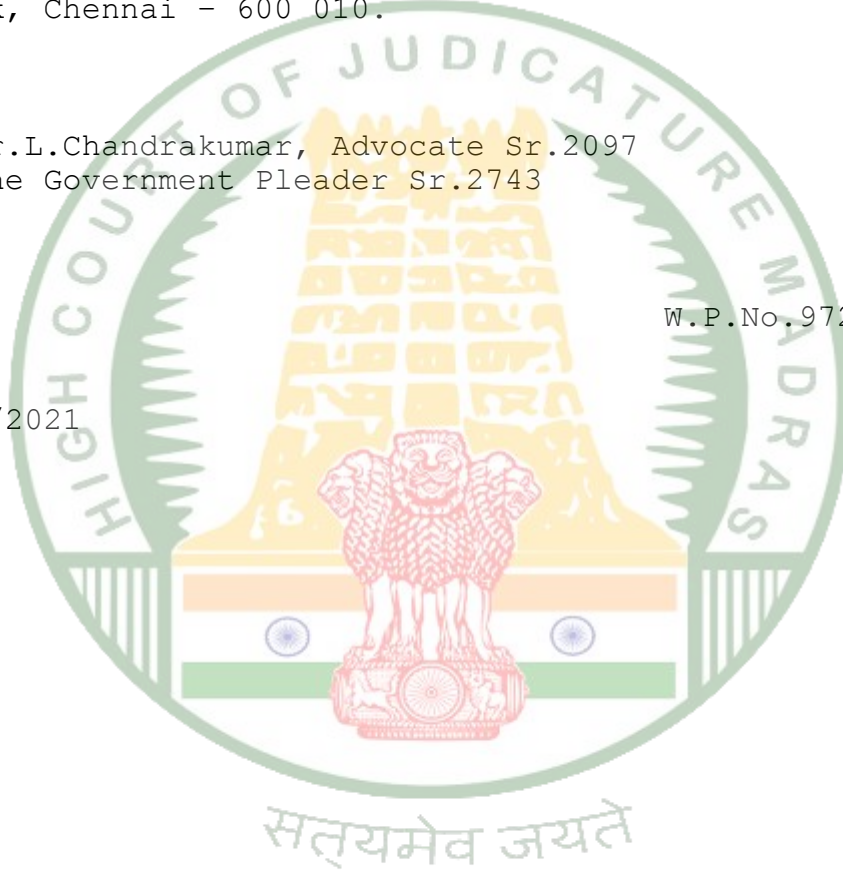
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+lcc to Mr.L.Chandrakumar, Advocate Sr.2097  
+lcc to the Government Pleader Sr.2743

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rsv[co]  
srg 10/03/2021



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