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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN
AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Writ Appeal No.1679 of 2021

1. The Registrar of Cooperative Societies,
O/o the Registrar of Coop Society,
No.170, N.V.Natarajan Maligai,
Periyar E.V.R. High Road,
Kilpauk, Chennai - 10.
2. The Additional Registrar of Cooperative Societies,
(Finance and Banking),
O/o the Registrar of Coop Society,
No.170, N.V.Natarajan Maligai,
Periyar E.V.R. High Road,
Kilpauk, Chennai - 10.
3. The Joint Registrar of Coop Societies,
O/o. The Joint Registrar of Coop Societies,
No.3, Beach Road,
Cuddalore.

... Appellants/ Respondent

vs.

P. Ramamoorthy

... Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 05.12.2019 passed by this Court in W.P.No.5728 of 2016.

Prayer in W.P.No.5728 of 2016.

Filed under Article 226 of the Constitution of India to issue a Writ of certiorarified Mandamus, or any other appropriate writ or directing in the nature of writ Calling for the records of the 2nd respondent in his impugned proceedings Na.Ka.71362/2015/pa.tho.1 dated 26.10.2015 and quash the same and consequently directing the respondent to consider the claim of the petitioners promotion as Senior Inspector of Co-operative Societies with effect from 01.05.1995 in par with his juniors and to sanction and disburse all the consequential service and other monetary benefits.



For Appellants : Mr.K.V.Sajeev Kumar,
Government Advocate

For Respondent : Mr.G.Ilamurugu

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J U D G M E N T

(Judgment of the Court delivered by S.VAIDYANATHAN, J.)

This Writ Appeal is directed against the order dated 05.12.2019 passed by this Court in W.P.No.5728 of 2016.

2. The Respondent herein, who is the Writ Petitioner has challenged the order dated 26.10.2015 passed by the 2nd Respondent therein, whereby, his promotion was deferred for the reason that, he was involved in a Criminal case, and has sought for a consequential direction to the Respondents therein to consider his claim for promotion as Senior Inspector of Co-operative Societies with effect from 01.05.1995 on par with his juniors and to sanction and disburse all the consequential service and other monetary benefits.

3. The learned Single Judge, after hearing both sides, allowed the Writ Petition and directed the 2nd Respondent therein to consider the Writ Petitioner's name for inclusion in the panel for the year 1994-1995, if he is otherwise eligible, within a period of twelve weeks from the date of receipt of a copy of the order.

4. During the course of hearing, the learned Government Advocate brought to the notice of the learned Single Judge that, as on the crucial date i.e. 01.05.1995, only the criminal case in Crime No.12 of 1994 was pending and no punishment on the departmental side was imposed on the Writ Petitioner and no action was initiated against him. That apart, the Writ Petitioner was acquitted from the criminal case by the Judicial Magistrate-I, Cuddalore vide order dated 25.05.2015 in C.C.Nos.181 to 184 of 2006.

5. Heard the learned counsel for the parties and perused the material documents available on record.

6. It is seen that, no Appeal has been preferred by the Department challenging the order dated 25.05.2015 in C.C.Nos.181 to 184 of 2006 and hence, the order of the Judicial Magistrate-I, Cuddalore, has become final. Taking note of the submissions made by the learned Government Advocate, the learned Single Judge interfered with the impugned order dated 26.10.2015 and directed the Respondents therein to consider the case of the Writ Petitioner for inclusion in the panel for the year 1994-



1995, if he is otherwise eligible.

7. In view of the foregoing, we do not find any error in the order dated 05.12.2019 passed by the learned Single Judge in W.P.No.5728 of 2016. Accordingly, the Writ Appeal stands dismissed. However, time granted by the learned Single Judge is extended by three months from the date of receipt of a copy of this order. No costs. Consequently, connected C.M.P.No.10660 of 2021 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(vm/aeb)

To

1. The Registrar of Cooperative Societies,
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3. The Joint Registrar of Coop Societies,
O/o. The Joint Registrar of Coop Societies,
No.3, Beach Road,
Cuddalore.
4. The Judicial Magistrate -I,
Cuddalore.

+1cc to Mr.G.Ilamurugu, Advocate, S.R.No.44324
+1cc to the Government Pleader, S.R.No.44873

WRIT APPEAL No.1679 OF 2021

PVS (CO)
CT(17/09/2021)