

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1372 of 2021
(Heard through VC)

P.Anbazhagan

... Petitioner

-vs-

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

2.The Registrar of Cooperative Societies,
NVN Malligai, 170, EVR Periyar Road,
Chennai - 600 012.

... 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 10.12.2020 seeking inclusion in the panel year 2020-2021 and for promotion to the post of Deputy Registrar on merits and as per law and within the time.

For Petitioner : Mr.N.R.Jasmine Padma
for M/s.L.Chandrakumar

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 10.12.2020 seeking inclusion in the panel year 2020-2021 and for promotion to the post of Deputy Registrar on merits and as per law.

2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice on behalf of the respondents.

4. The case of the petitioner is that he was working as Cooperative Sub-Registrar and his eligibility for further promotion as a Deputy Registrar fell due, during the panel year 2014-2015. While so, on 22.12.2015, he was imposed with a punishment of stoppage of increment for a period of 1 year without cumulative effect and the said punishment, on appeal, was modified to that of stoppage of increment for 6 months. In the mean time, he was proceeded with yet another departmental action resulting in imposition of stoppage of increment for a period of 5 years with cumulative effect as against which the Appellate Authority modified the punishment to that of stoppage of increment for 4 years. Due to the penalties imposed by the disciplinary authority, the petitioner's right for inclusion with seniority number 431 in the Cooperative Sub-Registrar's placement was overlooked for the panel years 2015-2016, 2016-2017, 2017-2018 and also for 2018-2019 with crucial date as 01.10.2017. As the petitioner had already undergone the modified punishment, he is entitled to be included in the panel year 2020-2021 with crucial date 01.10.2019 for the purpose of promotion as Deputy Registrar. Hence, he made a representation dated 10.12.2020 to the first respondent. But, till now, no orders have been passed. Hence, this writ petition.

5. 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 representation of the petitioner dated 10.12.2020, if not already considered and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of four 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 III)

//True Copy//

Sub Assistant Registrar

rsi

To

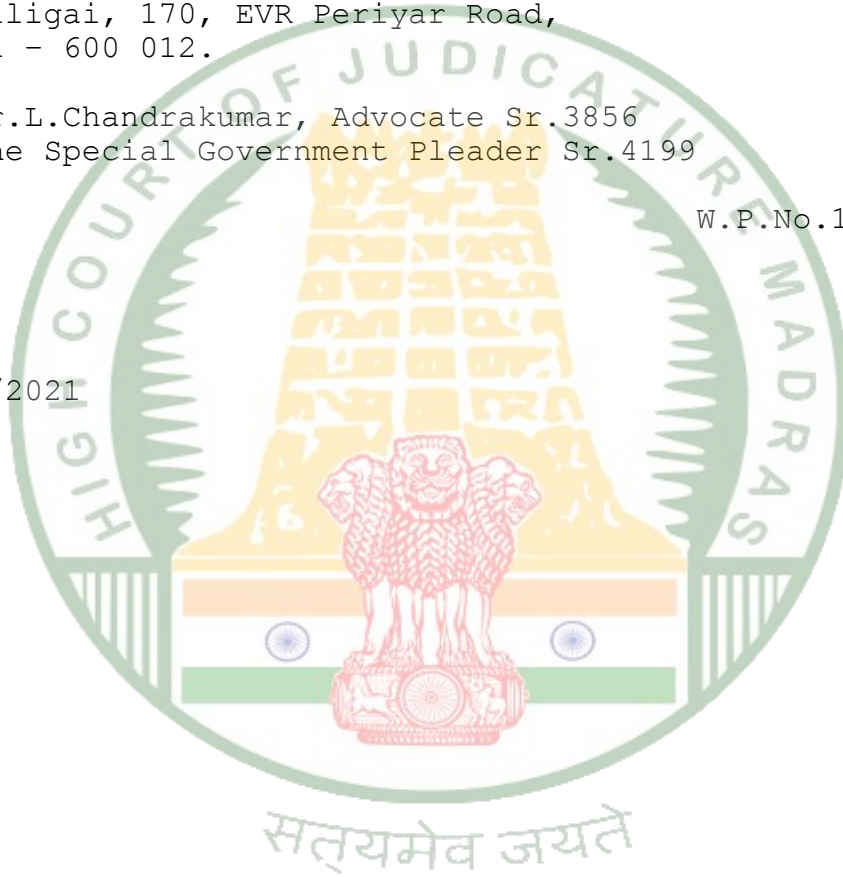
1.The Secretary,
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Cooperation Food and Consumer Protection Department,
Fort St. George,
Chennai - 600 009.

2.The Registrar of Cooperative Societies,
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+1cc to Mr.L.Chandrakumar, Advocate Sr.3856
+1cc to the Special Government Pleader Sr.4199

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