



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.14739 of 2009 &

MP.No.2 of 2009

S.Banumathy

...Petitioner

Vs.

1. The Deputy Commissioner of Diaries, (Co-operative)
O/o. The Milk Production and Diary Development Department,
Chennai-51

2. The Deputy Registrar (Diarying)
Dindugal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in connection with the proceedings No.Na.Ka.No.3699/2002/E2 dated 20.01.2007 and that of the first respondent in Proceedings Na.Ka.No.16852/D1/2008 dated 04.03.2009 and quash the same and direct the respondents to include the name of the petitioner in the ensuing panel for promotion as Co-operative Sub-registrar for the year 2009 and to promote her as such without reference to the punishment imposed on the petitioner.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.John J. Raja Singh
Government Advocate

ORDER

This writ petition has been filed by the petitioner challenging order of the 2nd respondent i.e. Deputy Registrar (Diarying) dated 20.01.2007 and 1st respondent i.e. the Deputy Commissioner of Diaries dated 04.03.2009 and for a consequential direction to include the name of the petitioner in the ensuing panel for promotion as Cooperative Sub-registrar in the year 2009.



2. The petitioner was aged 50 years in 2009 and hence, as on date, has passed the age of superannuation. Thus, technically nothing would survive in this writ petition. That apart, the impugned order is one imposing a penalty and no legal ground is made out warranting interference with the penalty as levied. The only question raised is that in the panel drawn for the year 2009, the name of the petitioner, figuring at serial no.38 is found to be 'not eligible' on account of the currency of the penalty imposed.

3. The ground raised is that the punishment of stoppage of increment for six months, subsequently reduced to three months, would have worked itself out in 2008 itself. In any event, this issue may not be relevant insofar as the panel for 2008 comprises only 20 vacancies and the petitioner does not figure in the top twenty persons in the list, falling outside of the zone of consideration. Being academic, I see no reason to decide this legal issue in this matter and the same may be raised in a more appropriate case. In fact, respondents in counter at para 16 state that she would be considered for subsequent empanelment, if eligible.

4. In the light of the narration as aforesaid, this writ petition is dismissed. Connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Commissioner of Diaries, (Co-operative)
O/o. The Milk Production and Dairy Development Department,
Chennai-51

2. The Deputy Registrar (Diarying)
Dindugal

+1CC to Mr.Government Pleader, Sr.No.49467

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VBM (CO)

K.RK. (06.10.2021)