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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.NO.15400 OF 2020

C.Deepa

... 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,
O/o. the Assistant Director
Co-operative Audit Department,
No.5-A, Vandavasi Road,
Kanchipuram - 631 501.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to calling for the records relating to the proceedings in Na.Ka.12364/2020/PoNi-3 dated 12.09.2020 passed by the 1st respondent and the same was served on the petitioner on 21.09.2020 and quash the same and thereby direct the 1st respondent 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.

For Petitioner :Mr.B.Sundarpandiyan

For Respondents : Mrs.Akila Rajendran,
Government Advocate

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Na.Ka.12364/2020/PoNi-3, dated 12.09.2020, passed by the 1st respondent and the same was served on the petitioner on 21.09.2020 and quash the same and thereby direct the 1st



respondent 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.

2.The prayer in this Writ Petition is similar to that of the prayer in W.P.No.14360 of 2020. This Court allowed the said Writ Petition by an order dated 24.11.2021 and the operative portion of the directions issued by this Court is extracted hereunder:

5.In response to the Writ Petition a counter affidavit has been filed. The learned counsel for the respondent would submit that in the counter affidavit the case of the petitioner had been acceded to and favourable orders would be passed in the matter. He would rely on the averments contained in para 5 and 6 of the counter affidavit which are extracted hereunder;

"5.It is submitted that the Government have issued clarification in its letter No.49339/Nidhi(Koo.Tha.) Thurai/2020-2, Finance (CA) Department, dated 19.01.2021, wherein the Government have clarified as follows:

4.Based on the above, the employees of the Cooperative Audit Department who have completed their probation within the period prescribed shall be considered for next promotion by considering the leave period availed by the individuals as continuous service period and it shall be taken into account.

5.The employees of the Cooperative Audit Department who have completed their regular probation, and then have availed eligible leaves, and those names have not been included in the eligible panel, and also those who approached the Court may be included in their respective panels as per the G.Os., and Rules referred in paragraphs 2, 3 and 4 promotion shall be given to them by fixing their pay notionally and allow monetary benefits from the date of issue of the revised order/letter of revised panel of including their names.



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It is submitted that the Government have clarified that the persons who have availed eligible leaves after successfully completed their probation period and excluded in the promotion panels for availing the leave, and who have approached the Court, shall be included in their respective eligible panels and promotion shall be given accordingly. Hence it has been stated that the Government have accepted the prayer of the petitioner, and also clarified to include the other similarly situated persons in their respective eligible panels and requested to issue suitable orders.

6. In this connection it has been submitted that based on the above clarification of the Government, appropriate steps have been taken to admit the prayer of the petitioner and orders will be issued as early as possible.

In view of the reasons stated above it is humbly prayed that this Hon'ble High Court may be pleased to close the Writ Petition as the prayer of the petitioner has been accepted and order of compliance shall be issued as early as possible."

In this case also, an identical stand has been taken in paragraph 5 of the counter affidavit.

3. In view of the acceptance by the respondents themselves, the Writ Petition stands allowed and the impugned proceedings in Na.Ka.12364/2020/PoNi-3 dated 12.09.2020 is hereby set aside. Consequently, the respondents are directed to include the name of the petitioner in the approved list of Cooperative Audit Officer (CAO) of the year 2019-2020, according to her seniority, as a consequence of treating the maternity leave as sanctioned period.

4. The respondents shall pass appropriate orders in this regard within a period of eight weeks from the date of receipt of copy of this order. No costs.

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

sli/vm



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,
O/o. the Assistant Director
Co-operative Audit Department,
No.5-A, Vandavasi Road,
Kanchipuram - 631 501.

+1cc to Mr.B.Sundarpandiyan, Advocate, S.R.No.68425
+1cc to the Government Pleader, S.R.No.68701

W.P.No.15400 of 2020

RLD(CO)
PM/05/01/2022