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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19602 of 2021

(Through Video Conferencing)

K.Punniyakotti ... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Secretary,
Co-operation, Food and Consumer Protection Department,
Fort St.Geroge, Chennai - 600 009.

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

3.The Joint Registrar of co-operative Societies,
M.M.avenue, Kancheepuram. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 3rd respondent herein to consider the petitioner's representation dated 24.10.2019 to regularize the period of out of employment from 06.04.1988 to 29.12.2003 as per Fundamental Rule 54(A)(1) read with Sub-rule (3) and confer all the benefits with due regards to my seniority including the promotion post on par with the petitioner's juniors.

For Petitioner : Mr.R.S.Anandan

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

This Writ Petition has been filed for issuance of writ of mandamus to direct the 3rd respondent herein to consider the petitioner's representation dated 24.10.2019 to regularize the period of out of employment from 06.04.1988 to 29.12.2003 as per Fundamental Rule 54(A)(1) read with Sub-rule (3) and confer all the benefits with due regards to my seniority including the promotion post on par with the petitioner's juniors.



2.The case of the petitioner is that the petitioner was removed from service on 06.04.1988. Thereafter, the removal from the service was challenged by the petitioner before the Tamilnadu Administrative Tribunal in O.A.No.1792 of 1990. The Tribunal by an order dated 03.06.2002 allowed O.A.No.1792 of 1990 filed by the petitioner.

3.Thereafter, the petitioner had sent a representation dated 31.05.2007 to the second respondent to regularise the service of the petitioner for the intervening period, i.e. from 06.04.1988 to 29.12.2003 which was rejected by an order dated 26.07.2007.

4.The petitioner had thus filed W.P.No.27412 of 2007 for a certiorarified mandamus to call for the records in pursuant to the impugned rejection order passed by the second respondent in Proceeding No.Lr.Rc.No.93096/2002 EM3 dated 26.07.2007 and to direct the respondents to regularise the services of the petitioner in the post of Junior Inspector of Co-operative Societies retrospectively with effect from his initial date of appointment on 14.12.1985 with all service and monetary benefits by extending the benefits of G.O.Ms.No.445, Finance (Co-operative Audit) Department, dated 20.12.2005. The writ petition was allowed by the Court by its order dated 05.06.2012. Aggreived by the same, the respondents had filed W.A.No.1027 of 2017 which came to be dismissed by an order dated 20.02.2018 of the Court.

5.Under these circumstances, the petitioner has sent a representation to the respondents to regularise the service from the period when he was removed from service in terms of Rule 54-A of the Fundamental Rules. The petitioner's representation dated 24.10.2019 has not evoked any response.

6.Considering the same, this writ petition is disposed by directing the 1st and 2nd respondents to dispose the aforesaid representation of the petitioner in the light of Rule 54 -A (3) of the Fundamental Rules within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



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To

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- 1.The Secretary,
State of Tamil Nadu,
Co-operation, Food and Consumer Protection Department,
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No.170, EVR Periyar Salai,
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- 3.The Joint Registrar of co-operative Societies,
M.M.avenue, Kancheepuram.

+lcc to Mr.R.S.Anandan, Advocate Sr.47334
+lcc to the Government Pleader Sr.47509

W.P.No.19602 of 2021

kv[co]
srg 28/10/2021