



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.13976 of 2021

K.Manoharan

... Petitioner

Vs.

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

2. The Registrar of Co-operative Societies,
170, E.V.R. Periyar Road,
Kilpauk, Chennai - 600 010.

3. The Joint Registrar of Co-operative Societies,
Collectorate,
Dindigul,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to regularize the service of the Petitioner as "Junior Inspector" w.e.f. 16.10.1989 F.N. i.e., the date of next to the date of sitting of the Special Qualifying Examination conducted by the TNPSC for the 10(a) (i) Junior Inspectors of Cooperative Societies and effect the date of re-appointment retrospectively with all notional, service and continuity benefits including seniority and qualifying service for grant of pension and other benefits thereto by considering the petitioner's representation dated 28.06.2021 within a stipulated time as fixed by this Court.

For Petitioner : Mr.S.Bharathy Kannan
For Respondents : Mr.A.K.Manickam,
Government Counsel.

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, to direct the respondents 1 to 3 herein to regularize the service of the Petitioner as "Junior Inspector" w.e.f. 16.10.1989 F.N. i.e., the date of next to the date of sitting of the Special Qualifying Examination conducted by the TNPSC for the 10(a) (i) Junior Inspectors of Co-operative Societies and effect the date of re-appointment retrospectively with all notional, service and



continuity benefits including seniority and qualifying service for grant of pension and other benefits thereto by considering the petitioner's representation dated 28.06.2021 within a stipulated time as fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Counsel appearing for the respondents.

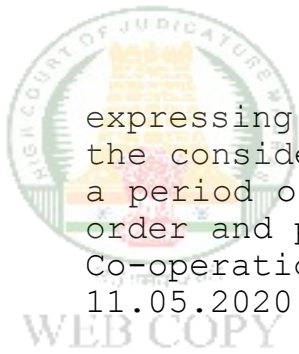
3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he was appointed as Junior Inspector by the Joint Registrar of Co-operative Societies, Pollachi Range vide his proceedings dated 11.06.1986. He joined duty on 16.06.1986. However, on 22.04.1987, he was ousted from service as per Rule 10(a) (1)(3) of Tamil Nadu State and Subordinate Services General Rules. The petitioner participated in the special qualifying examination to the post of Junior Inspector conducted by TNPSC and passed and subsequently he re-joined duty on 10.04.1992. Thereafter his probation was declared on 17.05.1995. According to the petitioner, he has completed 30 years of service as Co-operative Sub Registrar and on 30.06.2019, he was retired from service by attaining the age of superannuation. The grievance of the petitioner is that the respondents have calculated the total service period of the petitioner only 28 years instead of 30 years and the respondents have failed to take into consideration the period from 16.10.1989 to 09.04.1992 for the purpose of calculating pensionary benefits payable to the petitioner. Hence, he made a representation 28.06.2021 to the respondents and the same is pending with the second respondent without any progress. Therefore, the present writ petition has been filed before this Court.

5. Eventhough, the prayer sought for in the writ petition by the petitioner is for the relief to regularize the service of the petitioner for the aforesaid period, however, during the course of arguments, the petitioner restricted his relief that it would suffice to direct the respondents to consider the representations of the petitioner in the light of the proceedings of the second respondent dated 16.03.2019 and as per G.O.Ms.No.56, Co-operation, Food and Consumer Protection Department dated 11.05.2020 within the time stipulated by this Court.

6. The learned Government counsel appearing for the respondents would submit that the aforesaid representations would be considered and appropriate decision to be taken by the authority concerned whether the petitioner is eligible for counting the aforesaid period for pensionary benefits.

7. On considering the fact that now the petitioner seeks for limited prayer in modification of the main prayer, by directing the respondents to consider his representation, this Court without



expressing any opinion on merits, directs the second respondent to the consider the petitioner's representation dated 28.06.2021 within a period of twelve weeks from the date of receipt of a copy of this order and pass appropriate orders in the light of the G.O.Ms.No.56, Co-operation, Food and Consumer Protection Department, dated 11.05.2020.

8. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

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

2. The Registrar of Co-operative Societies,
170, E.V.R. Periyar Road,
Kilpauk, Chennai - 600 010.

3. The Joint Registrar of Co-operative Societies,
Collectorate,
Dindigul, Dindigul District.

+1 CC to M/s.G.BALASUBRAMANI, Advocate (SR-25863[F] dated 11/08/2021)

+1 CC to M/s.SPL GP (SR-25880[F] dated 11/08/2021)

W.P (MD)No.13976 of 2021
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