

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.A(MD)No.1350 of 2013

and

M.P.(MD)No.3 of 2013

- 1.The Registrar of Cooperative Societies,
Chennai-10.
- 2.The Joint Registrar of Cooperative Societies,
Thanjavur.
- 3.The Deputy Registrar of Cooperative Societies,
Thanjavur.

... Appellants/Respondents

Vs.

S.Kalimuthu
Cooperative Sub Registrar,
Office of the Deputy Registrar of Coop Societies,
Aranthangi,
Pudukkottai District.

...Respondent /Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.12700 of 2010, dated 14.10.2011.

For Appellants : Mr.D.Sasikumar,
Additional Government Pleader

For Respondent : No Appearance

JUDGMENT

J. NISHA BANU, J.

AND

N. ANAND VENKATESH, J.

The Registrar of Co-operative Societies, has filed this writ appeal against the order passed by the learned Single Judge in W.P.(MD) No.12700 of 2010 on 14.10.2011.

2. The respondent/petitioner approached this Court challenging the cancellation of promotion granted in his favour in the 2008 panel.

3. The learned Single Judge on considering the materials available on record found that the charge memo was issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, on 06.10.2008 against the respondent and on enquiry, the Enquiry Officer found that the charges were not proved. However, the disciplinary authority disagreed with the finding of the Enquiry Officer and ultimately imposed a minor penalty of postponement of increment for three months without cumulative effect. Thus what started as a major penalty, ultimately culminated into a minor penalty.

4. In view of the above, the learned Single Judge found that there was absolutely no justification in denying the respondent from being considered for promotion from the year 2008 onwards or at least from the year 2009 by including his name in the 2009 panel.

5. We do not find any ground to interfere with the finding of the learned Single Judge and it is perfectly in order.

6. In the result, the Writ Appeal stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[J.N.B, J.] & [N.A.V., J.]
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Index:Yes/No
Internet:Yes/No
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