



W.P.(MD)No.8195 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:13.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8195 of 2020
and
W.M.P(MD)No.7612 of 2020

R.Ramamoorthy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Cooperation, Food, Consumer Protection (CE.1) Department,
Secretariat,
Chennai – 600 009.

2.The Registrar of Cooperative Societies,
170, E.V.R. Periyar Salai,
Kilpauk,
Chennai – 600 010.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the G.O.(2D)No.46 Cooperation, Food and Consumer Protection (CE.1) Department, dated 01.08.2019, insofar as the order passed in para-9, “notionally by regulating his pay as per Ruling -17 under Fundamental Rule – 27, from the date on which his immediate junior Thiru.K.Jaganathan was promoted as Additional Registrar of Cooperative Societies” is concerned and quash the same and consequently, to direct the respondents to grant promotion



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to the petitioner with effect from 01.12.2013 and monetary benefits and salary from 01.12.2013 to 30.06.2015 as that of pay applicable to Additional Registrar of Co-operative Societies, for the said period within a time limit to be fixed by this Court.

For Petitioner	: Mr.H.Arumugam for Mr.P.Murugesan
For Respondents	: Mr.N.Ramesh Arumugam, Government Advocate

ORDER

This writ petition has been filed to quash the Government Order in G.O. (2D)No.46 Cooperation, Food and Consumer Protection (CE.1) Department, dated 01.08.2019, insofar as regulating the petitioner's pay notionally as per Ruling -17 under Fundamental Rule – 27, from the date on which his immediate junior Thiru.K.Jaganathan was promoted as Additional Registrar of Cooperative Societies, is concerned and consequently, to direct the respondents to grant promotion to the petitioner with effect from 01.12.2013 and monetary benefits and salary from 01.12.2013 to 30.06.2015 as that of pay applicable to Additional Registrar of Co-operative Societies, for the said period within a stipulated time.

2. The case of the petitioner is that he was appointed as Assistant Inspector of Local Fund Audit by direct recruitment through TNPSC on



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23.06.1983. Subsequently, he was appointed as Deputy Registrar of Cooperative Societies on 09.04.1992 by direct recruitment through TNPSC and he was promoted as Joint Registrar of Cooperative Societies on 01.06.1997. He was at the 13th place in the seniority list of Joint Registrar of Cooperative Societies as on 01.01.2012 and entitled to be included in the panel of Joint Registrars of Cooperative Societies and fit for promotion to the post of Additional Registrar of Cooperative Societies for the year 2012-2013. While the matter stood thus, the petitioner was issued with a charge-memo on 29.08.2011 alleging certain charges. For which, the petitioner submitted explanation on 07.10.2011 and 31.10.2011 and denied the charge levelled against him. While so, the first respondent published the panel of Joint Registrar of Cooperative Societies for the year 2012-2013 in G.O.(2D).No.106 Cooperation, Food and Consumer Protection (CE.1) Department, dated 27.11.2013, but the name of the petitioner was not included in the above panel alleging pendency of the charge memo. Subsequently, the petitioner's immediate senior K.Sivaji was promoted as Additional Registrar of Co-operative Societies and he retired on 30.11.2013 and the said post fell vacant from 01.12.2013. However, The petitioner's immediate junior was given promotion as Additional Registrar of Cooperative Societies on 19.05.2014. In the meanwhile, the charges framed against the petitioner were dropped pursuant



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to the order passed by this Court. Hence, he made a representation on 06.02.2015 with a request to include the petitioner's name in the promotion panel for the year 2012-2013 and grant regular promotion based on the seniority. However, no order was passed till his retirement on 30.06.2015. Subsequently, the Government passed the impugned G.O.(2D) No.46 Cooperation, Food and Consumer Protection (CE.1) Department, dated 01.08.2019 and the petitioner was given notional promotion as Additional Registrar of Cooperative Societies by regulating the petitioner's pay from the date on which the petitioner's immediate junior Thiru.K.Jeganthan was promoted as Additional Registrar of Cooperative Societies. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that though notional promotion was given to the petitioner on par with his immediate junior Mr.Jaganathan, the petitioner is entitled for full monetary benefits but without assigning any reason, the monetary benefit has been denied, which is contrary to law and therefore, prayed for appropriate orders.

4. The learned Government Advocate appearing for the respondents would submit that though the charge memo, dated 29.08.2011, was dropped



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based on the order of this Court vide G.O.(2D) No.36, Co-operation, Food and Consumer Protection (CM1) Department, dated 05.02.2015, the charges framed against the petitioner based on the subsequent charge memo, dated 02.03.2015, were partly proved. However, by taking a lenient view, the Government had without imposing any punishment dropped the charges. However, the petitioner claimed that retrospective promotion has to be given from the date on which the post of Additional Registrar of Cooperative Societies fell vacant ie., on 01.12.2013 and the said request of retrospective promotion, cannot be granted and there is no illegality in the impugned G.O., which does not require interference at the hands of this Court.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and perused the materials placed before this Court.

6. Admittedly, the petitioner's name was not included in the promotion panel to the post of Additional Registrar of Cooperative Societies for the year 2012-2013 as disciplinary proceedings were pending against him. The petitioner's immediate senior Mr.K.Sivaji was promoted as Additional Registrar of Cooperative Societies on 29.11.2013 and on the next day, he retired from



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service and the said post fell vacant from 01.12.2013. Subsequently, the charges framed against the petitioner were dropped vide G.O.Ms.No.36 dated 05.02.2015. In the meanwhile, the petitioner's immediate junior Mr.K.Jaganathan was promoted as Additional Registrar of Cooperative Societies on 19.05.2014. Thereafter, based on the petitioner's request, vide the impugned G.O., the petitioner was given notional promotion regulating his pay from the date on which his immediate junior Mr.K.Jaganathan was promoted as Additional Registrar of Cooperative Societies (ie., on 19.05.2014), which is perfectly in order. Further, all the monetary benefits were paid to the petitioner from the date of his retirement. Accordingly, there is no illegality or irregularity in the impugned G.O., and therefore, the prayer sought for by the petitioner cannot be granted and hence, the writ petition is liable to be dismissed.

7. In the result, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

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PM
Index:Yes/No



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To:

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M.DHANDAPANI,J.

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