



W.P.No.12048 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12048 of 2011 and
MP.No.1 of 2011

R.Duraimohan

... Petitioner

Vs.

- 1.The Registrar of Coop. Societies,
Poonamallee High Road, Kilpauk,
Chennai-10
- 2.The Joint Director of Coop. Societies,
Cuddalore Region, Cuddalore,
Cuddalore District
- 3.The Joint Registrar of Coop. Societies(PDS-I),
Chennai North Region,
Kuralagam,
Chennai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to include the petitioner's name in the promotion panel for the post of Deputy Registrar of Coop. Societies by taking note of the order passed by this Court in WP.(MD) No.11183 of 2009 dated 04.11.2009.

For Petitioner : Mr.C.Prakasam



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For Respondents : Mr.T.M.Rajangam,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to include the petitioner's name in the promotion panel for the post of Deputy Registrar of Coop. Societies by taking note of the order passed by this Court in WP.(MD) No.11183 of 2009 dated 04.11.2009.

2. Heard, the learned counsel appearing on either side.

3. The petitioner submitted representation dated 28.02.2011 seeking to include his name in the promotion panel for the post of Deputy Registrar of Cooperative Societies.

4. On perusal of the counter filed by the second respondent, revealed that the representation dated 28.02.2011 was rejected by GO(D)No.83 Cooperation, Food and Consumer Protection Department(CD1) Department dated 11.03.2015. On perusal of the said



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Government Order also revealed as follows:

“4. The Registrar of Cooperative Societies in the letter fourth read above, has stated that the charges framed under rule 17 (b) in Rc. No. 5694/2004 [Va.Vee.Va](#) dt. 23.08.2007 of the Deputy Registrar (Housing) Cuddalore has been disposed of by the Joint Registrar, Cuddalore by imposing a punishment of "Censure" vide proceedings Rc. No. 2069/2008 Pa dt 12.09.2011 and the Hon'ble High Court of Madras in its order dt. 13.07.2011 in Criminal Rc. No. 130/2011 has quashed the criminal proceedings in CMP No. 1398/2007 in CC No. 294/2006. The Registrar of Coop. Societies has also stated that Thiru.R.Duraimohan Coop. Sub Registrar (Retired) is out for inclusion in the panels drawn for the year 2007-2008, 2009-2010 and 2010-2011 in view of punishment of "Censure" imposed on him.

5. The Tamil Nadu State and Subordinate Services Rules, Rule 4 (a) read as follows "any punishment (other than "Censure") imposed on a member of service within a period of five years prior to the crucial date and punishment of "Censure" imposed within a period of one year prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the approved list. Any punishment, including "Censure" imposed on a member of service after the crucial date 1st October of every year, but before actual promotion or appointment shall be held against the member of service and he shall not be given promotion or appointment"



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6. *In the light of the above rule and in view of the punishment mentioned in para 4 above, the Government decided to reject the appeal petition of Thiru. R. Duraimohan, Coop. Sub Registrar (Rtd) to include his name in the panel of Cooperative Sub Registrars fit for promotion as Deputy Registrar of Coop. Societies drawn for the year 2010-2011 and passed orders accordingly."*

5. Therefore, the writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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Chennai-10
- 2.The Joint Director of Coop. Societies,
Cuddalore Region, Cuddalore,
Cuddalore District
- 3.The Joint Registrar of Coop. Societies(PDS-I),
Chennai North Region,
Kuralagam,
Chennai
- 4.The Government Advoate,
High Court, Madras.

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