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W.P.No.9468 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.10.2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Writ Petition No.9468 of 2012

G.Alagarsamy

... Petitioner

Vs.

1.State of Tamil Nadu

Rep., by its Principal Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Secretariat, Chennai-600 009.

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Certiorarified Mandamus directing the respondent to notionally promote the petitioner to the post of Joint Registrar of Cooperative Societies with effect from April 2011 as the petitioner has retired on 30.04.2011 A.N., with all consequential and attendant benefits.

For petitioner

... M/s.N.Kavitha

For Respondents

... M/s.C.Sangamithirai,
Special Government Pleader



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ORDER

This Writ Petition is filed seeking for Mandamus directing the first respondent to notionally promote the petitioner to the post of Joint Registrar of Cooperative Societies with effect from April 2011 with all consequential benefits.

2. The contents in brief as per the affidavit filed along with this writ petition are that the petitioner was initially appointed as a Junior Inspector of Cooperative Societies in category III of Tamil Nadu Cooperative Subordinative Services by way of direct recruitment in the year 1974. He was promoted as a Senior Inspector of Cooperative Societies and thereafter as Cooperative Sub Registrar as per the proceedings dated 22.07.1992. The petitioner was promoted as Deputy Registrar of Cooperative Societies as per G.O.Ms.287 Cooperation, Food and Consumer Protection (CD1) Department dated 28.11.2006 with effect from 01.12.2006. He retired from service on 30.04.2011 after thirty six years of service.

3. It is also mentioned in the affidavit that the petitioner was eligible



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to be promoted as Joint Registrar of Cooperative Societies as in G.O.(Rt)

No.30, Cooperation, Food and Consumer Protection Department, dated 25.02.2011. The petitioner's name is included in S.No.17 in the approved panel list of the Deputy Registrar for the year 2010-2011 and there was six vacancies as on that day. There were 16 senior persons above the petitioner of which S.No.1 to 15 were directly recruited as Deputy Registrar by Tamil Nadu Public Service Commission for the year 2000-2001.

4. It is also further mentioned in the affidavit that as per the judgement of this Court in AB.Natarajan vs. The Secretary, Tamil Nadu Public Service Commission and others, dated 04.03.2011, the Division Bench has set aside the selection and appointments of 83 candidates in Group I services made in the year 2000-2001 by Tamil Nadu Public Service Commission, including the candidates S.No.1 to 15 in the panel who were seniors to the petitioner. On account of deletion of their names from S.No.1 to 15, the petitioner came in the zone of consideration for promotion as Joint Registrar in the existing six vacancies. The petitioner made a representation on 18.03.2011 to the first respondent, requesting to consider him for promotion to the post of Joint Registrar in the



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existing vacancies. The petitioner filed a Writ Petition No.8193 of 2011 seeking for promotion as he was about to retire on 30.04.2011. On 31.03.2011, the above said Writ Petition was disposed of directing the first respondent to consider the representation of the petitioner dated 18.03.2011 and dispose of the same on merits. Pursuant to the orders, the first respondent has rejected his representation by order dated 22.06.2011 and he has preferred SLP and the same is still pending.

5. It is submitted that pending SLP before the Hon'ble Supreme Court, the first respondent has issued order dated 23.02.2012 promoting the petitioner's juniors to the post of Joint Registrar as per the G.O.(Rt).No.30, Cooperation, Food and Consumer Protection Department, dated 25.02.2011, aggrieved by the same, the petitioner has made a detailed representation dated on 28.03.2012 and same was not disposed of, therefore the petitioner has sought for suitable direction.

6. Learned Special Government Pleader representing the respondents has filed a detailed counter and submitted that petitioner submitted a representation dated 28.03.2012 requesting to give him notional promotion as Joint Registrar of Cooperative Societies. The first



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respondent after considering the above representation of the petitioner had rejected the same, and the petitioner was informed of the decision of the Government on his promotion vide, Government letter No.8934/CE1/2011-5, Cooperation, Food and Consumer Protection Department, dated 22.06.2011 however petitioner not challenged the orders of the Government. Learned counsel for the respondent further submitted that the relief sought cannot be granted as the petitioner retired from service on 30.04.2011 and that the present Writ Petition is filed subsequent to his retirement on 04.04.2012.

7. Heard the learned counsel for the petitioner and learned Special Government Pleader for respondents and perused the materials placed on record.

8. On hearing both sides it is clear that the petitioner has approached this Court seeking for Mandamus directing the first respondent to dispose of his representation dated 28.03.2012, wherein he has requested to promote him with effect from April 2011 as allegedly his juniors were promoted as Joint Registrars in Cooperative Societies. Though respondent have submitted that the said representation was considered



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and rejected, there is no record to show that same was communicated to the petitioner and the copy of the same is not filed.

9. In view of the above, this Writ Petition is disposed of, with a direction to the first respondent to consider the representation of the petitioner dated 28.03.2012 and dispose of the same, as quickly as possible, not later than eight weeks from the date of receipt of copy of this order. If the representation of the petitioner dated 28.03.2012 has already been disposed of the copy of which ordered to be sent to the petitioner under acknowledgment. No costs.

18.10.2023

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Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No



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Dr.D.NAGARJUN, J.

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