



W.P.(MD)No.4314 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4314 of 2023

R.Rajendran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Secretariat, Chennai - 600 009.

2. The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative Societies,
No.170, NVN Maligai,
EVR.Periyar High Road,
Kilpauk, Chennai - 600 010.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 08.08.2022 for granting notional promotion as Joint Registrar of Co-operative Societies on the date on which the batch-mates and juniors were got promoted in the light of punishment order set-aside by the first respondent by his proceedings in G.O.(D)No.168, Co-operation, Food and Consumer Protection (CD2) Department, dated 15.07.2022.



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For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.S.P.Maharjan
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction to the first respondent to consider the petitioner's representation dated 08.08.2022 for granting notional promotion as Joint Registrar of Co-operative Societies on the date on which the batch-mates and juniors were got promoted in the light of punishment order set-aside by the first respondent vide proceedings in G.O.(D)No.168, Co-operation, Food and Consumer Protection (CD2) Department, dated 15.07.2022.

2. The case of the petitioner is that the petitioner was initially appointed as Junior Inspector of Co-operative Societies on 11.03.1979 in the office of the Deputy Registrar of Co-operative Societies and thereafter, he promoted as Co-operative Sub Registrar in the year 1993. While the petitioner was in service as Deputy Registrar, 82 enquiry proceedings were initiated against him by the Registrar of Co-operative Societies vide



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proceedings dated 27.07.2015. The petitioner has attained the age of superannuation on 30.11.2015 and he was allowed to retire subject to pending 82 enquiry proceedings. Thereafter, the charge memo has been issued by the Joint Registrar of Co-operative Societies on 25.01.2012 alleging that the petitioner failed to monitor R.K.22, Chettikuruchi Primary Agriculture Co-operative Bank, which resultant in misappropriation a sum of Rs.72,225/- by the Secretary of the said Bank. On receipt of the said charge memo, the petitioner had submitted explanation on 31.08.2012. However, not satisfying with the same, the second respondent vide proceedings dated 10.10.2012 imposed a punishment of stoppage of increment for a period of one year and 6 months without cumulative effect. Aggrieved by the said punishment order, the petitioner has preferred an appeal to the first respondent on 26.11.2012 and the same was rejected, vide proceedings, dated 25.11.2013. A panel was prepared for the promotion to the post of Joint Registrar of Co-operative Societies for the year 2011-2012. The petitioner's batch-mates and juniors were promoted for the post of Joint Registrar of Co-operative Societies vide proceedings dated 30.07.2013. Hence, the petitioner has filed a Writ Petition before this Court in W.P.



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(MD)No.9508 of 2014 by challenging the punishment order dated 10.10.2012 and the consequential confirmation order 25.11.2013 and the same was allowed by order dated 04.02.2020 by setting aside the punishment order and the consequential rejection order. Though the said Writ Petition has been allowed as early as on 04.02.2020, the same has been implemented by the first respondent vide proceedings in G.O.(Ms)No.168, dated 15.07.2022, i.e., after the delay of two years. Hence, the petitioner has made a representation to the first respondent on 08.08.2022 and 26.11.2022 seeking notional promotion as Joint Registrar of Co-operative Society on the date on which his batch-mates and juniors were got promoted vide proceedings of the first respondent dated 30.07.2013. But till date, no order was passed. Therefore, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the first respondent is directed to consider the petitioner's representation dated 08.08.2022, on merits and in accordance with law, within a specified period.



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4. The learned Special Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation dated 08.08.2022 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

01.03.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

1. The Principal Secretary to Government,
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2. The Registrar of Co-operative Societies,
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