



W.P.No.28789 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM :

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

W.P.No.28789 of 2011
and MP.Nos.1 of 2012 & 2 of 2011

K. Suthandira Mohan

...
Petitioner

Vs.

1. The Director of Coop.Audit,
Tamil Nadu Slum Clearance Board Building
Kamarajar Salai,
Chennai - 5.

2. The Assistant Director of Coop.Audit,
No.13, Chairman Chidambaram Street,
Villupuram, Villupurarm District.

Respondents

...

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.318/2011 A.Pa.A.1, dated 22.08.2011 and quash the same and consequently direct the 2nd respondent to declare the petitioner' probation and promote the petitioner to the post of Senior Coop.Auditor with retrospective effect from 28.07.1995.



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For Petitioner : Mr.C.Prakasam
For Respondents : Mr.N.Naveen Kumar for R2

ORDER

The proceedings Na.Ka.No.318/2011 A.Pa.A1 dated 22.08.2011 issued by the 2nd respondent is under challenge.

2. The petitioner Suthandira Mohan, S/o.A.Gandhimathi submits that in the year 1989, the Government conducted a Special Test for Junior Inspectors for Cooperative Audit, since they were recruited through employment exchange. As per TNPSC rules they have to be selected through TNPSC. Therefore, the Government decided to conduct a special test through TNPSC and accordingly 351 employees working under the respondents appeared for the special test and 18 Junior Inspectors did not pass the special test conducted by the TNPSC.

3. The petitioner further submits that steps are being taken to remove the employees from service and they approached the TNAT for regularising their service and not to remove them from the said post. TNAT passed orders



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issuing direction to the Government to regularise their services and the Government by accepting the Order of the Tribunal passed G.O.Ms.No.445 Finance (Coop.Audit) Department dated 20.12.2005 with retrospective effect from 16.10.1989.

4. The petitioner further submitted that the respondents stopped his increment from the year 2008 onwards without passing any specific orders and he along with other employees are getting salary without any increment for the past three years. Upon representation to the respondents as well as to the Government, on consideration, the Government issued G.O.Ms.No.446 Finance (Coop. Audit) Department, dated 30.12.2010 directing the respondents to sanction the increment as well as the earned leave.

5. The petitioner would submit that subsequent to the order passed in W.P.No.15593 of 2011 the petitioner Natarajan approached the 2nd respondent and requested to implement G.O.Ms.No.446 Finance (Coop.Audit) dated 30.12.2010 as mentioned supra.

6. When the petitioner also made a similar request to the 2nd



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respondent his probation was not declared and the impugned order came to be passed hence this writ petition.

7. By an order dated 28.01.2018, probation in respect of the petitioner was declared with effect from 30.05.2013, the date on which the petitioner appeared for the departmental examination. Mr.N.Naveen Kumar, learned Government Advocate appearing for the 2nd respondent would also submit that by an Order dated 12.04.2018, the petitioner was granted promotion to the post of Senior Co-operative Auditor with effect from 31.08.2017. Therefore as probation was declared for the petitioner and he was promoted to the post of Senior Co-operative Auditor with effect from 31.08.2017, nothing survives for consideration.

8. Recording the said submissions made by the learned Government Advocate, this writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are also closed.

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Neutral Citation: Yes/No
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R. KALAIMATHI, J.

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To

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