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W.P.No.12686 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM

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

W.P.No. 12686 of 2024
and
W.M.P.No.13841 of 2024

1.K.Parvathi Kumari
2.G.Rajeswari

.... Petitioners

Vs

1. The Registrar of Cooperative Societies
170, Periyar E.V.R.High Road,
Kilpauk, Chennai – 600 010.

2. The Joint Registrar of Coop.Societies
(Finance and Building)
Office of the Registrar of Coop.Societies,
170, Periyar E.V.R.High Road,
Kilpauk, Chennai – 600 010.

3. R.Chinnasamy
4. K.Ravi
5. R.Thilagavathi

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records and quashing the respective impugned orders dated 16.02.2024 of the first respondent vide Na.Ka.No.73267/2023/Pa Tho 1 as regards the first



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petitioner and 17.02.2024 of the first respondent vide Na.Ka.No.73268/2023 Pa. Tho 1 as regards the second petition rejecting the representations of the petitioners dated 15.12.2023 and 05.02.2024 to include their names in the panel of 01.05.2019 for the post of Senior Inspectors as well as to the post of Cooperative Sub-Registrar and consequently direct the respondents 1 and 2 to fix the inter-se seniority of the petitioners in the post of cooperative Sub-Registrar above the respondents 3 to 5 from the date they assumed such post by way of revising their inter-se seniority in the post of Senior Inspector as of 01.05.2019 panel by placing them above the respondents 3 to 5 from the date they assumed in such post within time frame.

For Petitioner : Mr.Ravi Anantha Padmanabhan
Senior Counsel
for Mr.B.Thirumalai

For R1 & R2 : Mr.K.Krishna Raja
Additional Government Pleader

For R3 to R5 : No appearance

ORDER

This Writ Petition has been filed challenging the orders passed by the first respondent dated 16.02.2024 and 17.02.2024, thereby rejected the request made by the petitioners to include their names in the panel for the year 2019 to the post of Senior Inspectors as well as to the post of Co-operative Sub Registrar.



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2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2 and perused the materials available on record.

3. The petitioners were working in the Cooperative Department as Senior Inspectors. Both had joined in the Department in the year 2013 as Junior Assistants by way of direct recruitment. Those who are undergoing probation for a period of two years over the continues period of three years were sent for a training at Bhavani Sagar Institute. However, the petitioners were not sent for training, their juniors, viz., respondents 3 to 5, were sent for training. As a result, in the panel prepared on 01.05.2016, many of their juniors were included in the panel for promotion to the post of Junior Assistant. However, the petitioners' name were included in the panel only in the year 2017. In the meanwhile, their juniors were promoted to the post of Junior Assistant. Therefore, the petitioners submitted representation. Accepting the said representation on the ground of administrative lapse, the Government issued Government Order in G.O.(2D) No.29, dated 17.05.2017 and G.O.(2D) No.31, dated 22.05.2017, declared that both the petitioners



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were deemed to be completed their probation with effect from 21.11.2015 and 29.06.2015 respectively. Subsequently, by the proceedings dated 15.09.2022, the first respondent advanced the petitioners eligibility to be promoted to the post of Junior Assistant and included in their names in the panel of 01.05.2016. However, without including the petitioners names in the next promotion list, their juniors, viz., the respondents 3 to 5, have been promoted to the post of Senior Inspectors and also now Co-operative Sub Registrars.

4. Besides, as per the order passed by the Hon'ble Supreme Court of India, the communal rotation in appointment shall be applicable only at entry level and not for promoting government servants. Further, it was directed to fix the seniority list on merits under the Act. Accordingly, the Tamil Nadu Public Service Commission prepared the merit based seniority list and communicated to the first respondent. On receipt of the same, the first respondent, by its communication dated 13.07.2023, placed the petitioners above the respondents 3 to 5 herein. Therefore, the petitioners submitted representation. Considering the said representation, the petitioners were promoted as per 2021 panel, without



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considering the earlier panel, as per the seniority list provided by the Tamil Nadu Public Service Commission.

5. A perusal of the counter filed by the respondents 1 & 2 and the submissions made by the learned Additional Government Pleader reveals that on 01.05.2016, the petitioners were not due to complete their Bhavani Sagar basic training due to administrative reasons. Therefore, they were not included in the panel for promotion to the post of Junior Inspector. The petitioners names were included in the panel as on 01.05.2017 for promotion from the post of Junior Assistant to the post of Junior Inspector of Co-operative Societies by the communication dated 23.05.2018. Thereafter, they were included in the panel for Senior Inspector of Co-operative Societies and promoted to the said post on 07.11.2022 and 14.11.2022 respectively.

6. In view of the above, this Court finds infirmity in the order of rejection rejecting the request made by the petitioners to include their names in the panel dated 01.05.2019 and 01.05.2020 to the post of Senior Inspectors. Therefore, the order passed by the first respondent



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dated 16.02.2024 and 17.02.2024, cannot be sustained and it is liable to be quashed. Accordingly, it is hereby quashed. The respondents 1 and 2 are directed to include the name of the petitioners in the panel of 01.05.2019 to the post of Senior Inspector as well as the Co-operative Sub Registrar and prepare inter-se seniority in the post of Co-operative Sub Registrar within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the petitioners are entitled for only notional promotion to the post of Senior Inspector as well as the Co-operative Sub Registrar just above the immediate juniors of the petitioners viz., the respondents 3 to 5, herein.

7. In the result, this writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

29.07.2024

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

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