



WP(MD) No.12577 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.12577 of 2024

K.Mariappan

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Department of Co-Operative ,
Food and Consumer Protection Department ,
Fort.St.George,
Chennai – 600 009.

2.The Registrar of Co-Operative Societies,
Kilpauk,
Chennai – 600 010.

3.The Joint Registrar of Co-Operative Societies,
Virudhunagar Region ,
Virudhunagar,
Virudhunagar District.



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4.The Deputy Registrar of Co-Operative Societies,
Srivilliputhur Circle ,
Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records from the 2nd respondent in his proceedings in RC.No.31918/2003/EM3(1), dated 12.12.2023 and quash the same and consequently direct the respondents to regularize the petitioners service from the date of his appointment (i.e) from 16.12.1985 by giving appropriate promotion n par with the candidates who were joined with the petitioner and provide all the monetary benefits and revised pension benefits.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.M.Senthil Ayyanar

Government Advocate



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ORDER

The petitioner has filed this writ petition seeking a Writ of Certiorarified Mandamus to quash the impugned proceedings in RC.No.31918/2003/EM3(1), dated 12.12.2023 of the second respondent and consequently, direct the respondents to regularize the petitioner's service from the date of his appointment (i.e) from 16.12.1985 by giving appropriate promotion on par with the candidates who joined with the petitioner and provide all the monetary benefits and revised pension benefits.

2. Heard Mr.N.Sathish Babu, learned counsel appearing for the petitioner and Mr.M.Senthil Ayyanar, learned Government Advocate appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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4. The petitioner who is a pensioner has given a representation to the second respondent claiming that he is entitled to be promoted to the post of Co-operative Sub Registrar at the time of his retirement. However, his representation has been rejected stating that as on date when the petitioner retired, i.e., on 31.10.2019, the petitioner did not have three years of service in the cadre of Senior Inspector of Co-operative Societies which is a mandatory requirement for promotion to the post of Co-operative Sub Registrar.

5. However, the learned counsel for the petitioner submitted that only because his services have not been regularised, he could not have the three years in the cadre of Senior Inspector of Co-operative Societies and once his services are regularised as per the direction given by this Court in his earlier writ petition in W.P.No.31840 of 2013, he would have been placed as Senior Inspector of Co-operative Societies. At the time of retirement, he would have got the promotion to the post of Sub Registrar Co-



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operative Societies and thereby, got his pension fixed in the said post. In fact, the petitioner had given his representation to promote him in the cadre of Senior Co-operative Societies with effect from the year 1995. It seems that the petitioner has not challenged the order passed consequent to the direction given by this Court to regularise his services.

6. Without resorting to that course, the petitioner has straightaway given a representation seeking promotion and the same has been rejected by the impugned order.

7. Consequent to the orders passed in W.P.No.31840 of 2013, the petitioner's services have been regularised vide proceedings of the second respondent, dated 22.11.2019, wherein, the following orders have been issued:

“8.However, in view of the petitioner being peculiarly placed because of the withholding of the result of the Special



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Qualifying Examination, the petitioner had approached the then Tamil Nadu Administrative Tribunal and this Court and the litigation was pending for 13 long years, for which, the petitioner cannot be faulted with. Therefore, the learned counsel would submit that the petitioner is also to be treated on par with identically placed Junior Inspectors in the matter of grant of monetary benefits and denying the same is per se unreasonable, discriminatory and violative of the Article 14 of the Constitution of India.”

8. If the petitioner is seriously aggrieved in view of the above order, he ought to have challenged stating that his promotion to the post of Senior Inspector Co-operative Society fell due even before he was posted in the said post as per the order, dated 22.11.2019. All along the petitioner was keeping quiet and after retirement, he has made a novel claim and it has been rightly rejected and hence, I find no reason for interference.



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9. Accordingly, this writ petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.12577 of 2024

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