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W.P.No.28292 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 03.02.2025**

**CORAM**

**THE HONOURABLE MRS.JUSTICE N.MALA**

**W.P.No.28292 of 2022**

**and**

**W.M.P.Nos.27608, 27609 & 30431 of 2022 and**

**W.M.P.Nos.20288 of 2024**

Selvi M.Umadevi, MCA, HDCM,  
D/o.M.Muthukrishnan,  
Deputy Registrar (Housing),  
Having Office at No.208,  
Azhagesan Nagar,  
Chengalpattu - 603 001.

... Petitioner

-VS-

1. The Principal Secretary to Government,  
Department of Cooperation Food and  
Consumer Protection Secretariat,  
Fort St.George,  
Chennai - 600 001.
2. The Registrar of Co-operative Societies,  
No.170, NV Natarajan Maaligai,  
Periyar EVR High Road,  
Poonamallee High Road,  
Kilpauk,  
Chennai - 600 010.
3. The Joint Registrar Co-operative



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Societies (Housing),  
Tamil Nadu Cooperative Housing  
Federation Campus (II Floor),  
No.48, Ritherdon Road,  
Vepery Chennai,  
Pincode - 600 007.

4. G.Natrajan,  
Joint Registrar of Co-operative Societies,  
1<sup>st</sup> Floor, Mohan Kumaramangalam Road,  
District Co-operative Office Complex,  
Surampatti PO,  
Thiruvannamalai - 606 601.
5. Thiru.Shanmugasundaram, I.A.S.,  
Registrar of Co-operative Societies,  
No.170, NV Natarajan Maaligai,  
Periyar EVR High Road,  
Kilpauk, Chennai - 600 010.
6. Thiru.A.D.Baskaran, B.VSc.,  
Additional Registrar Co-operative Societies (Housing),  
Tamil Nadu Co-operative Housing  
Federation Campus (II Floor),  
No.48, Ritherdon Road, Vepery,  
Chennai - 600 007.
7. Thiru.Vilvasekaran,  
Additional Registrar,  
Financial and Banking Department,  
No.170, NV Natarajan Maaligai,  
Periyar EVR High Road,  
Poonamallee High Road,  
Kilpauk,  
Chennai - 600 010.
8. Thiru Md.Nasimuddin I.A.S.,  
Principal Secretary to Government,



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Labour Welfare and Skill Development Department,  
Secretariat, Fort St.George,  
Chennai - 600 001.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to G.O.(Ms)No.311, Department of Cooperation, Food and Consumer Protection R.C.No.67723/2022 dated 07.10.2022 on the file of the first respondent and quash the same and consequently, to direct the first respondent to immediately setup Internal Compliance Committee(ICC) to investigate the complaint made against the respondents 4 and 5 for sexual harassment further to pass orders on the baseless charges pending against the petitioner and to promote the petitioner to the post of Joint Registrar on merits.

For Petitioner : Mr.Kaushik N.Sharma  
for KNS Law Chambers

For Respondents : Mr.K.Tamilvendan  
Government Advocate for R1 to R3  
Mr.M.S.Palanisamy for R4  
No appearance for R5 to R8

## **ORDER**

The petitioner aggrieved by her non-promotion to the post of Joint



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Registrar / District Registrar has filed the above writ petition for the aforesaid relief.

2. The case of the petitioner is that on 06.03.2019, the petitioner was appointed as Co-operative Deputy Registrar. After completion of training period on 14.09.2020, she joined as Deputy Registrar / Director of Mayuram Cooperative Housing Society Ltd., Mayiladuthurai and till date, her appointment was not made permanent. There was some animosity between the petitioner and the respondents 4 and 5. On 24.11.2021, the petitioner was relieved from the position of Deputy Registrar and was kept under compulsory waiting list without any reason. The petitioner already gave a complaint regarding the misbehavior and arrogant attitude of the respondents 4 and 5 to various authorities and same was pending. Further, the petitioner was posted as Deputy Registrar (Housing), Chengalpattu District in the month of February 2022 and she was served with a notice under Rule 17(a) of Tamil Nadu Civil Service (Discipline and Appeal) Rules by the second respondent in collusion with the respondents 4 and 5 with an intention to harass the petitioner.



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3. While so, the petitioner submitted her application for promotion to the post of Joint Registrar / District Registrar as per G.O.(Ms)No.46, Personnel and Administrative Reform(s) Department dated 11.05.2021. The petitioner was placed at Serial No.2 in the Promotion List as per Annexure-I of G.O.(Ms)No.107 dated 21.09.2022, issued by the Department of Cooperation, Food and Consumer Protection. Further, on 07.10.2022, the first respondent issued G.O.(Ms)No.311, Department of Cooperation, Food and Consumer Protection R.C.No.67723 of 2022 promoting all candidates other than the petitioner. Challenging the same, the petitioner has approached this Court.

4. The learned counsel appearing for the petitioner submits that the charges framed against the petitioner were pending without any Enquiry Officer being appointed. Further the petitioner was sexually harassed by the respondents 4 and 5 and therefore, she made a complaint against the respondents 4 and 5 and the said complaint was still pending. The learned counsel therefore prayed that this Court may at least fix a time frame for disposal of the petitioner's complaint.



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5. The learned Government Advocate appearing for the respondents 1 to 3 submitted that in view of the pending charges under Rule 17(b) and show cause notice under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and non-implementation of punishment imposed on the petitioner, it was not possible to declare her probation and to include her name in the Panel for promotion as Joint Registrar. The reason for non-inclusion of the petitioner in the eligible promotion list of Joint Registrar was pendency of the charges, currency of punishment, non-declaration of probation and not for other reasons.

6. Admittedly six charges were framed against the petitioner and the petitioner preferred an appeal in respect of some of the charges. As far as other charges were concerned, the petitioner gave a detailed explanation to the said charges and the same were pending enquiry. Though the learned counsel for the petitioner raised several issues on the charges framed against the petitioner, considering the nature of the prayer in the writ petition, I am of the view that, it is not necessary to examine the validity of the charge memos framed against the petitioner. That apart, since the reason for non-inclusion of the petitioner in the panel for



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promotion to the post of Joint Registrar is not the pendency of charges alone, the petitioner cannot seek for quashing of the panel itself at this juncture. Moreover, until the charges framed against her are decided one way or the other the petitioner cannot seek for quashing of the panel. Hence, that part of the prayer is rejected.

7. As far as the prayer of the petitioner to constitute an Internal Compliance Committee (ICC) to investigate the complaint of the petitioner as against the respondents 4 and 5 for sexual harassment is concerned, the first respondent is directed to constitute the Internal Compliance Committee (ICC), if not already constituted, conduct an enquiry and pass orders on merits and in accordance with law as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observations and directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**03.02.2025**

vji



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Index: Yes/No  
Internet: Yes/No  
Speaking Order: Yes/No

To

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Food and Consumer Protection Secretariat,  
Fort St.George, Chennai - 600 001.
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5. The Registrar of Co-operative Societies,  
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Kilpauk, Chennai - 600 010.
6. The Additional Registrar Co-operative Societies (Housing),



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Tamil Nadu Co-operative Housing  
Federation Campus (II Floor),  
No.48, Ritherdon Road, Vepery,  
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7. The Additional Registrar,  
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No.170, NV Natarajan Maaligai,  
Periyar EVR High Road,  
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Chennai - 600 001.



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**N.MALA, J.**

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