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W.P.(MD) No.19881 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.19881 of 2021

and

W.M.P.(MD) Nos.16616 & 16617 of 2021

A.Shanmugavel

... Petitioner

-VS-

The Registrar of
Co-operative Societies
Office of the Registrar of
Co-operative Societies
Poonamalli High Road
Chennai-10

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned G.O.(3D) Ms.No.6 dated 02.09.2021 issued by the respondent and quash the same and consequently directing the respondent herein to promote the petitioner as Deputy Registrar of Co-operative Society to include his name



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in the promotion list for the post of Co-operative Deputy Registrar as per the seniority list prepared by the respondent in the proceedings dated 02.09.2021.

For Petitioner : Mr.S.M.Mohan Gandhi
For Respondent : Mr.A.Baskaran
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned seniority list prepared by the respondent, dated 02.09.2021, in G.O.No.(3D) No.6, Cooperation, Food and Consumer Protection (CD1) Department, which has excluded the petitioner's name in the promotion list for the post of Deputy Registrar for Co-operative Societies.

2. Subsequent to the filing of this writ petition, the petitioner was retired from service on 30.06.2022.

3. At the outset, learned Additional Government Pleader appearing for the respondent placed reliance on the decision of the Honourable Supreme Court in the case of ***Government of West Bengal and others vs. Dr.Amal***



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Satpathi and others, reported in **2024 SCC OnLine SC 3512** and would submit that since the petitioner has already retired from service, he cannot claim notional promotion as per the aforesaid decision rendered by the Honourable Supreme Court.

4. By relying on Rule 11 of Schedule XI to the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, learned Additional Government Pleader appearing for the respondent would submit that the petitioner is not entitled for promotion as claimed by him for the following reasons:

- (a) On completion of disciplinary proceedings, the petitioner was imposed the punishment of stoppage of increment for a period of six months without cumulative effect by the order of the Disciplinary Authority (Joint Registrar), dated 01.10.2018.
- (b) The period of punishment inflicted on the petitioner was for the period from 01.07.2019 to 31.12.2019.
- (c) As per Rule 11 of Schedule XI to the Tamil Nadu Government Servants (Conditions of Service) Act,



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2016, any punishment imposed on a member of service within a period of five years prior to the crucial date shall be held against member of service and his name shall not be considered for inclusion in the approved list. Rule 11 of Schedule XI to the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, is re-produced hereunder:

“(11) Any punishment (other than 'Censure') imposed on a member of service within a period of five years prior to the crucial date and a punishment of 'Censure' imposed within a period of one year prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the approved list. Any punishment, including 'Censure' imposed on a member of service after the crucial date, but before the actual promotion or appointment shall be held against the member of service and he shall not be given promotion or appointment.”



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- (d) Since the impugned seniority list is dated 02.09.2021 and since the petitioner was not entitled to be included in the seniority list as per Rule 11 of Schedule XI to the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the request of the petitioner has been rightly rejected under the impugned proceedings dated 02.09.2021.

5. This Court both on the ground that the petitioner is seeking for notional promotion after his retirement, which is contrary to the Judgment rendered by the Honourable Supreme Court in ***Government of West Bengal's*** case, referred to supra, as well as on the ground that the petitioner was not entitled to be included in the impugned promotion list dated 02.09.2021 due to the fact that the five-year period subsequent to the expiry of the punishment period has not been completed, this Court has to reject the petitioner's request for notional promotion and therefore, this Court does not find any infirmity in the impugned seniority list dated 02.09.2021 prepared by the respondent.



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6. In the result, there is no merit in this writ petition and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

18.09.2025

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

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To:
The Registrar of
Co-operative Societies,
Office of the Registrar of
Co-operative Societies,
Poonamalli High Road,
Chennai-10 .



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ABDUL QUDDHOSE, J.

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