

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27718 of 2015 &
M.P.No.1 of 2015

S.Periyasamy

... Petitioner

Vs.

1. The Commissioner
Milk Production & Dairy Development
Madhavaram Milk Colony, Chennai-600 051.
2. The Deputy Registrar (Dairy)
Villupuram, Villupuram District.
3. T.N.D.99 Nainarpalayam Milk
Producers Cooperative Society Ltd,
Rep. by its President Nainarpalayam Post
Chinnasalem Taluk, Villupuram District.
4. V.Elango
Measurer T.N.D.99 Nainarpalayam Milk
Producers Cooperative Society Ltd
Nainarpalayam Post Chinnasalem Taluk
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to promote the Petitioner as Secretary of the 3rd Respondent Society on regular basis by considering the representation dated 27-08-2015 made by the petitioner in accordance with rules and seniority.

For Petitioner : Mr.P.Ganesan
For M/s.C.S.Associates

For Respondents : Mr.R.Bala Ramesh
Additional Govt. Pleader (Co-op.)

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner, after passing Diploma in Co-operative Management, joined as Milk Measurer on 7.2.2000 on daily rated basis in the 3rd respondent Society and subsequently, he was brought into consolidated pay from 1.4.2005 and thereafter, granted regular time scale of pay with effect from 1.7.2015 and posted as Computer Operator, as he has possessed Diploma in MS-Windows, MS Office.

3. The petitioner would state that the cadre strength of the 3rd respondent Society is 9 including all categories i.e., one post of Secretary, one post of Tester and 7 posts of Measurer and in the light of the technical advancement made, the 1st respondent instructed all the societies to appoint Computer Operator by converting one post of Measurer. On the basis of the circular issued by the 1st respondent and since the petitioner has qualified with Diploma in Computer, was appointed as Computer Operator in the scale of pay of Rs.6200/- where as the scale of pay for the post of Measurer is Rs.5800/-.

4. It is further stated by the petitioner that one post of Secretary became vacant due to the retirement of the incumbent, viz., Thiagarajan on 1.5.2015. The next senior by name Selvarajan, Tester, was promoted as Secretary on 1.5.2015. However, he relinquished the promotion on 25.8.2015 and since the petitioner is also having B.A. Degree and Diploma in Co-operative Management, he is entitled to be promoted as Secretary as per Rule 149 of the Tamil Nadu Co-operative Societies Rules and in this regard, he has submitted a representation dated 27.08.2015 to the 2nd respondent. Since no orders have been passed, he caused a legal notice on 28.08.2015 to the respondents 1 and 2 and since no orders have been passed, came forward to file this writ petition.

5. Heard the submissions of learned counsel for the petitioner and Mr.Mr.R.Bala Ramesh learned Additional Government Pleader, who accepts notice on behalf of respondents.

6. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the 3rd respondent to consider the petitioner's representations dated 27.08.2015 and pass orders on

merits and in accordance with law, after putting on notice the 4th respondent, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 4th respondent

This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Commissioner
Milk Production & Dairy Development
Madhavaram Milk Colony, Chennai-600 051.
2. The Deputy Registrar (Dairy)
Villupuram,
Villupuram District.

+1cc to M/s.C.S.Associates, Advocate, S.R.No.47902
+1cc to the Government Pleader, S.R.No.48305

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PUR(CO)
CA(09/09/2015)

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