

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-07-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.24662 of 2016

K.Sevaiya

.. Petitioner

Vs.

1.Kangalacheri Primary Agricultural
Co-operative Credit Society (Za 114)
represented by its President
Kangalacheri
Nagapattinam.

2.Joint Registrar
Co-operative Societies Nagapattinam
Nagapattinam.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the 2nd respondent to dispose of the petitioner's appeal, dated 08.06.2016, within a time frame to be fixed by this Court and to pass such other suitable orders.

For Petitioner :Mr.A.Tamilvanan

For Respondents :Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 2nd respondent to dispose of the petitioner's appeal, dated 08.06.2016, within a time frame.

3. The petitioner was working as Salesman in the Kangalacheri Primary Agricultural Co-operative Credit Society. The grievance of the petitioner is that he is eligible to be appointed as Incharge Secretary on the vacant post, but, to his shock and surprise, an ineligible person was posted as incharge Secretary. In this regard, the petitioner has made a representation, which was rejected on the ground that the petitioner has not undergone Co-operative Training. Aggrieved

against which, the petitioner has preferred an appeal before the 2nd respondent on 08.06.2016 and the same is till date pending. Hence, the petitioner has filed this Writ Petition seeking the relief stated supra.

4. Mr.A.Tamilvanan, the learned counsel for the petitioner would submit that he would be satisfied, if the 2nd respondent is directed to consider and dispose of the appeal filed by the petitioner on 08.06.2016, within a time frame.

5. Mr.L.P.Shanmughasundaram, the learned Special Government Pleader, who took notice on behalf of the respondents, would submit that the appeal presented by the petitioner, on 08.06.2016, is not in the prescribed format and that the chalan is also not enclosed along with the appeal.

6. Considering the limited scope of the prayer, this Court, without going into the merits of the claim made by the petitioner, permits the petitioner to file a fresh appeal before the 2nd respondent, in the prescribed format, within a period of fifteen (15) days from the date of receipt of a copy of this order. It is made clear that on filing such an appeal within the time stipulated hereinabove, the 2nd respondent is directed to consider the appeal and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner. At this juncture, it is submitted by the learned counsel for the petitioner that the petitioner has already enclosed the chalan along with the appeal, dated 08.06.2016, and in proof of which, a copy is produced before this Court.

7. The Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The President

Kangalacheri Primary Agricultural
Co-operative Credit Society (Za 114)
Kangalacheri
Nagapattinam.

2.Joint Registrar
Co-operative Societies Nagapattinam
Nagapattinam.

+1 cc to Mr.L.P.Shanmughasundaram Advocate sr.40306
+1 cc to Mr.A.Tamilvanan Advocate sr.40059
+1 cc to Government Pleader sr.40625

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