

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33175 of 2016

R.Jayagopu

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies, Thirukovilur, Villupuram District.

2. The Secretary, 1.1.614, Kunniyur PACB, Kunniyur, Villupuram District.

3. The President, 1.1.614, Kunniyur PACB, Kunniyur, Villupuram District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representations dated 16.06.2016 and 09.09.2016 for promotion as Clerk within a reasonable time.

For Petitioner : Mr.S.Sivakumar

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

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representations dated 16.06.2016 and 09.09.2016 for promotion as Clerk within a time stipulated by this Court.

3. The case of the petitioner is that he joined in the services of the respondent Society as Salesman on 16.10.1996 and his next avenue of promotion is Clerk. Even though, his name is found place in 2013-14 panel for promotion, due to the pendency of the criminal case against him, he was not considered for promotion. Based on the criminal case, he was suspended on 01.12.2012. Subsequently, disciplinary proceedings were initiated against the petitioner and the respondents issued a charge memo dated 11.02.2013 for which the petitioner has submitted his explanation. Not satisfied with the same, an Enquiry Officer was appointed who conducted enquiry and submitted his report on 15.07.2013 stating that the charges were not proved. Based on the same, he was reinstated into service on 31.05.2014 and the departmental enquiry has been concluded. Even after the same, his case was not considered for promotion. Hence the petitioner narrating all the facts, made a detailed representation to the 2nd respondent on 16.06.2016 and 09.09.2016. But, no orders have been passed on the same. Hence, the present Writ Petition.

4. Heard the learned Counsel for the petitioner and the learned Special Government Pleader, who takes notice on behalf of the respondents.

5. The learned Special Government Pleader would submit that the petitioner has to give a representation to the Joint Registrar of Co-operative Societies only, for considering his case for promotion as Clerk.

6. Considering the facts and circumstances of the matter and also considering the limited prayer made in the Writ Petition, this Court directs the petitioner to make a representation to the concerned Joint Registrar of Co-operative Societies within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the Joint Registrar of Co-operative Societies is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Deputy Registrar of Co-operative Societies, Thirukovilur, Villupuram District.
2. The Secretary,
1.1.614, Kunniyur PACB,
Kunniyur, Villupuram District.
3. The President,
1.1.614, Kunniyur PACB,
Kunniyur,
Villupuram District.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.53892

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.54067

W.P.No.33175 of 2016

RP(CO)
CA(04/10/2016)



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