

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.37678 of 2016

N.Ramesh

... Petitioner

vs.

- 1 The Joint Registrar of
Co-operatives Villupuram
- 2 The Deputy Registrar of
Co-operatives Thirukovilur Villupuram
District
- 3 The Secretary
1.1.222 Periyamampattu PACB Thiyagadurgam
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 to consider the petitioner's representation dated 5.10.2016 for promotion as Clerk/Jewel Appraiser within a reasonable time to be fixed by this Court.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petitions for a mandamus, directing the respondents to consider his representation dated 5.10.2016 for promotion as Clerk / Jewel Appraiser within a reasonable time to be fixed by this Court.

3. It is the case of the petitioner that he entered into service as Salesman in the respondent society on 26.10.1990. His next avenue of promotion is Clerk. However, due

to the pendency of the criminal case, he was not promoted to the said post. While the petitioner was working as Salesman, Thiyyagadurgam Cooperative fair shop, his name was falsely implicated in a criminal case in Crime No.328 of 2012 by the Civil Supplies CID, Cuddalore Unit. Based on the said criminal case, he was placed under suspension on 3.12.2012 and disciplinary proceedings were initiated. Thereafter, the respondents issued a charge memo, for which, the petitioner submitted his explanation. Being not satisfied with the explanation, an enquiry officer was appointed to conduct enquiry and after enquiry, the enquiry officer submitted his report on 16.5.2013 holding that the charges against the petitioner were not proved. After receipt of the enquiry report, the petitioner was reinstated into service. Insofar as the criminal case is concerned, there is no progress for the past four years and so far, no charge sheet has been filed in the said case. Further, the petitioner is having the required qualification for appointment by way of transfer as Jewel Appraiser since he is a 'B' certificate holder. Now, the said post is vacant and the petitioner is entitled for promotion to the said post. In this regard, he sent a representation dated 5.10.2016 to the respondents seeking promotion. But, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to make a representation to the concerned Joint Registrar of Cooperative 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 concerned Joint Registrar of Cooperative Societies is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of three weeks thereafter. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

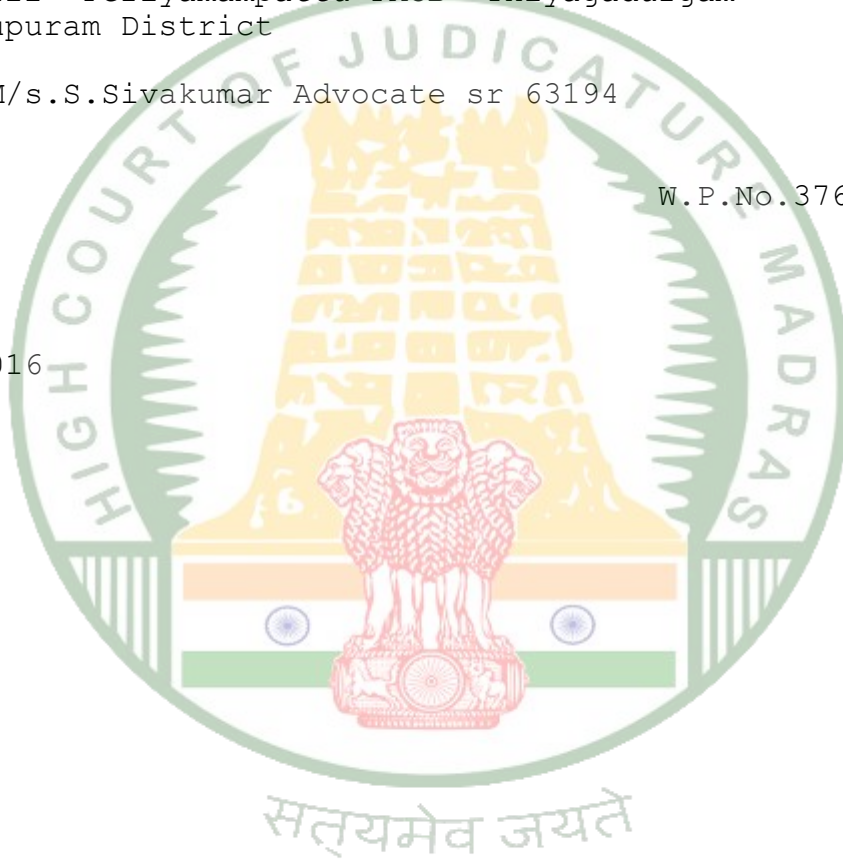
Sub-Assistant Registrar

To

- 1 The Joint Registrar of
Co-operatives Villupuram
 - 2 The Deputy Registrar of
Co-operatives Thirukovilur Villupuram
District
 - 3 The Secretary
1.1.222 Periyamampattu PACB Thiyagadurgam
Villupuram District
- +1 cc to M/s.S.Sivakumar Advocate sr 63194

W.P.No.37678 of 2016

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