

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37944 of 2016

S.Murugesan

... Petitioner

Vs.

- 1.The Registrar
Registrar of Cooperative Societies
170 Periyar E.V.R.High Road
Kilpauk Chennai-600 010.
- 2.The Director
Tamil Nadu State Federation of urban
Cooperative Bank
Chennai-18.
- 3.The Joint Director
Tamil Nadu State Federation of Urban
Cooperative Banks
Chennai-18.
- 4.The Registrar
Salem Urban Co-operative Society Bank Ltd
Salem.
- 5.The President
Salem Urban Co-operative Society Bank Ltd
Salem.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents herein to promote the petitioner with effect from the date of appointment and pay for eligible post and to extend all service benefits both service and monetary including differential backwages thereto based on the petitioner's representation dated 11.1.2014.

For Petitioner : Mr.A.Selvendran

For Respondents : Mr.L.P.Shanmugha Sundaram,
Special Government 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 petition for a mandamus, directing the respondents herein to promote him with effect from the date of appointment and to extend all service benefits both service and monetary including differential backwages thereto based on his representation dated 11.1.2014.

3. It is the case of the petitioner that he joined the respondent society on 29.7.1993 as Appraiser on temporary basis through employment exchange and his service was regularized on 1.1.1994. Since the respondent society has sanctioned very nominal salary to their workers, the workers agitated the same. Therefore, the respondents entered into a negotiation with the association under Section 12(3) of Industrial Disputes Act, 1947 and the salary of the workers was fixed on 3.3.2000 vide Na.Ka.No.1041 of 1999 and the petitioner's salary was also re-fixed as Rs.1,990/- for the post of Appraiser, which is equivalent to Assistant Cadre. Subsequently, the petitioner was transferred to the post of Assistant from the post of Appraiser. However, he was instructed to continue as Appraiser till the vacancy is filled up and the petitioner continues as Appraiser / Assistant for the past 15 years. Though the respondent society has promoted several juniors, till date, they have not chosen to promote the petitioner. In this regard, the petitioner sent a representation dated 11.1.2014 to the respondent society and there is no response on the said representation. Again, the petitioner has given a representation dated 8.2.2016 through the Union and same was also 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. Though the writ petition has been filed for a positive direction viz., to direct the respondent society to give promotion to the petitioner, instead of giving such a positive direction, I am of the opinion, it would be appropriate to direct the respondent to consider the representation of the petitioner dated 8.2.2016 which was sent through the association.

6. Accordingly, without going into the merits of the claim projected by the petitioner, this Court directs the fifth

respondent to consider the representation of the petitioner dated 8.2.2016 seeking promotion and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Registrar
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170 Periyar E.V.R.High Road
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Salem.
- 5.The President
Salem Urban Co-operative Society Bank Ltd
Salem.

+1cc to Mr.L.P.Shanmugha Sundaramn, Advocate, S.R.No.62316
+1cc to Mr.A.Selvendran, Advocate, S.R.No.62399
+1cc to the Government Pleader, S.R.No.62476

W.P.No.37944 of 2016

NR(CO)
CA(07/12/2016)