

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39282 of 2016

G.Shanmugam

... 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 Banks
Chennai - 18.
 - 3 The Joint Director
Tamil Nadu State Federation of Urban Cooperative Banks
Chennai - 18.
 - 4 The Registrar
Salem Urban Co-operative Bank Ltd.,
Salem.
 - 5 The President
Salem Urban Co-operative 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 on par with juniors and pay for eligible post and to extend all service benefits both service and monitory including differential backwages thereto based on the petitioner's representation dated 11.01.2014.

For Petitioner : Mr.A.Selvendran
For Respondents : Mr.L.P.Shanmugha Sundaram,
Special Government Pleader

O R D E R

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 the petitioner with effect from the date of appointment on par with juniors 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 11.01.2014.

3.It is the case of the petitioner that he joined the respondent society on 05.01.1989 as Appraiser on temporary basis through Employment Exchange and his service was regularized during 1990. 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 re-fixed on 03.03.2000 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 11.01.2014 to the respondent society and there is no response on the said representation. Again, the petitioner has given a representation dated 08.02.2016 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 that, it would be appropriate to direct the respondent to consider the representation of the petitioner dated 08.02.2016 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 08.02.2016 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/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

- 1 The Registrar
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Salem.
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Salem.

+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 64479
+1 cc to Government Pleader sr 64965

W.P.No.39282 of 2016

skv(co)
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