



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALAW.P(MD) No.19528 of 2016

P.Murugan

... Petitioner

-vs-

1. The Commissioner,
Tamil Nadu Co-operative Milk Producers
Federation Ltd.,
Avin Illam, Madavaram,
Chennai - 51.

2.The Managing Director,
Tamil Nadu Co-operative Milk Producers
Federation Ltd.,
Avin Illam, Madavaram,
Chennai - 51.

3.The General Manager,
Madurai District Co-operative Milk
Producers Union Ltd.,
Madurai - 20.

... Respondents

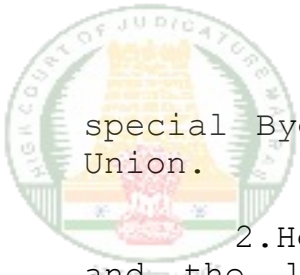
Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 26.09.2016 and further direct the respondents to grant the promotion to the petitioner as Executive (Electrical) based on Clause 49 of the special Byelaw of the Madurai District Co-operative Milk Producers Union within a stipulated time and pass such further or other orders.

For Petitioner : Mr.D.Sivaraman

For Respondents : Mr.S.Chandrasekar
Government Advocate

O R D E R

This Writ Petition has been filed, seeking a direction to the respondents to consider the petitioner's representation dated 26.09.2016 and further direct the respondents to grant promotion to the petitioner as Executive (Electrical), based on Clause 49 of the



special Byelaw of the Madurai District Co-operative Milk Producers Union.

2. Heard the learned counsel appearing for the petitioner; and the learned Government Advocate, who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. The petitioner was appointed as a Mazdoor in the third respondent Co-operative society in the year 2001. Thereafter, he was promoted as Technician (Electrical). The third respondent has issued notification dated 07.12.2015, in which it is stated that there is a proposal to fill up the vacancies for the post of Executive (Engineering) and Executive (Electrical) and the eligible candidates were directed to apply for that post on or before 31.12.2015. The petitioner has applied for the post of Executive (Electrical) to the third respondent.

4. On 26.02.2016 the third respondent has issued combined seniority panel consisting of eligible persons for promotion to the above posts. The seniority panel totally contains 38 persons. The petitioner is placed as 38th person in the combined seniority panel. Out of 38 persons, 4 persons were retired and 25 persons have qualified for the post of Executive (Engineering) and 9 persons are having qualification for the post of Executive (Electrical). The petitioner is one among the above said 9 persons.

5. It is the case of the petitioner that if separate panel had been prepared in respect of Executive (Engineer) and Executive (Electrical), the seniority of the petitioner would have been in Sl.No.9 and the combined promotion panel has caused injustice to the petitioner. So stating the petitioner has given a representation dated 26.09.2016 to the third respondent. As the representation was not considered, this Writ petition has been filed.

6. It is the request of the petitioner that the representation of the petitioner dated 26.09.2016 should be considered before consideration of the promotion list as such. Otherwise, the purpose of the Writ petition itself will be lost.

7. Under such circumstances, the third respondent is directed to consider the representation of the petitioner dated 26.09.2016 before commencement of further promotion process.

8. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1. The Commissioner,
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Madurai - 20.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 60569
+ 1 CC TO Mr.V.SRIRAM, ADVOCATE IN SR No. 59670

MJ

TE/CK : 08/11/2016 : 3P/6C

W.P(MD)No.19528 of 2016
06.10.2016