



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2016

WEB COPY

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.13690 of 2013

M.Muthuselvam

... Petitioner

Vs.

1. The Registrar,
TamilNadu Co-operative Societies,
No.170, Periyar E.V.R. High Road,
Chennai - 600 010.
 2. The Chairman/Board,
Tirunelveli Central Co-operative Bank Ltd.,
Tirunelveli.
 3. The Joint Registrar/
Managing Director/Board,
Tirunelveli Central Co-operative Bank Ltd.,
Vannapettai, Tirunelveli - 3.
 4. The General Manager,
Tirunelveli Central Co-operative Bank Ltd.,
Vannarpettai, Tirunelveli - 3.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent herein to include the petitioner's name in the current promotion panel list so as to promote the petitioner to his eligible post of Manager with all arrears and other monetary benefits, by considering his representation dated 28.06.2013 within a stipulated time, that may be fixed by this Court.

For Petitioner : Mr.V.T.Prabakaran

For R1 to R3 : Mr.S.Chandra Sekar
Government Advocate

**ORDER**

This writ petition has been filed for issuance of Writ of Mandamus directing the third respondent herein to include the petitioner's name in the current promotion panel list so as to promote the petitioner to his eligible post of Manager with all arrears and other monetary benefits, by considering his representation dated 28.06.2013 within a stipulated time, that may be fixed by this Court.

2. Heard the learned counsel appearing for the parties.

3. The petitioner was appointed in the year 1986 as Assistant in the Tirunelveli Central Co-operative Bank and he had been periodically promoted till the Grade of Assistant Manager and for the next promotion list, the crucial date was 24.05.2007. However, the name of the petitioner was not included in the panel. On the said date, the name of the person, junior to the petitioner, was included for promotion in the panel. That was not challenged by the petitioner.

4. In the meanwhile, on 27.07.2007 the punishment was awarded to the petitioner for some misappropriation to the effect that stoppage of increment for the period of 1 year with cumulative effect. On 15.04.2010 censure was given to him. The criminal proceeding against the petitioner also ended in his favour.

5. Since there was no proceeding against the petitioner in the year 2011, he is entitled for all his further promotions and his name ought to have been included in the final list. There was a promotion list drawn again on 29.12.2011 wherein also the name of the petitioner is not included. But his juniors were given promotion. In the seniority list prepared on 01.01.2012 the petitioner's name was not included. On 05.03.2013, the petitioner was promoted as the Assistant Manager and on that day, the petitioner has to be promoted as Manager.

6. The grievance of the petitioner is that the authorities have deliberately not added his name in the seniority list for the purpose of promotion. In the seniority list dated 07.02.2013 also, the name of the petitioner was not included. Hence, the petitioner sent a representation dated 28.06.2013 to include his name in the current promotion panel list for the purpose of promotion and promote him as the Manager with all the arrears and monetary benefits. The said representation has not been considered by the respondents till today.

<https://hcservices.ecourts.gov.in/hcservices/> second respondent has filed a counter affidavit. This Court has perused the same.



8. It is relevant to note that the petitioner had not challenged the promotions given to his juniors at any point of time.

9. Now considering the limited scope of the writ petition, the third respondent is directed to consider the representation dated 28.06.2013 in the light of the grounds raised in this writ petition and dispose of the same on merits and in accordance with law within a period of 6 weeks from the date of receipt of copy of this order.

10. In the result, this writ petition is disposed of. No costs. Consequently, connected M.P is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Registrar,TamilNadu Co-operative Societies,NO.170, Periyar E.V.R. High Road,Chennai - 600 010.

2.The Chairman/Board,Tirunelveli Central Co-operative Bank Ltd., Tirunelveli.

3.The Joint Registrar/Managing Director/Board, Tirunelveli Central Co-operative Bank Ltd.,Vannapettai, Tirunelveli - 3.

4.The General Manager,Tirunelveli Central Co-operative Bank Ltd., Vannarpettai, Tirunelveli - 3.

+1 cc to Mr. V.T.Prabakaran, Advocate, Sr.No.18128

+1 cc to the Special Government Pleader, Sr.No.18323

cm

JM/GSV-PM/13.04.2016/3P-7C

W.P (MD) No.13690 of 2013
31.03.2016