

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.2003 of 2017
and
W.M.P.No.2008 of 2017

E.Gunasekaran

..Petitioner

Vs.

1. The Registrar of Co-operative Societies,
No.170, E.V.R. Periyar Road,
Kilpauk, Chennai - 10.
2. The Joint Registrar of Co-operative Society
Managing Director,
Thiruvannamalai District Central
Co-operative Bank Ltd.,
Thiruvannamalai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to refix the original seniority of the petitioner and to promote the petitioner as Manager on par with his junior Mr.B.Ponnarasan, on the basis of the petitioner's representations, dated 19.08.2016 and 22.08.2016 and pass further orders.

For Petitioner : Mr.A.E. Kalaiselvan

For Respondents : Mr.L.P.Shanmugasundaram
Spl. Govt. Pleader

O R D E R

The petitioner has filed this Writ Petition, praying for issuance of Mandamus to direct the respondents to refix his original seniority and to promote him as Manager on

par with his junior Mr.B.Ponnarasan, on the basis of his representations, dated 19.08.2016 and 22.08.2016.

2. Learned counsel for the petitioner would submit that the petitioner was appointed as 'Telephone Operator', in the District Central Cooperative Bank, Vellore, on 22.02.1995. Later, due to bifurcation of the District, he was transferred to the District Central Cooperative Bank Ltd., Thiruvannamalai and was working as Assistant Cum Cashier for the past twenty years, without any blemish. The grievance expressed by the petitioner is that, though he was working as Assistant Cum Cashier for the past twenty years without any blemish, and is fully eligible to be promoted as Assistant Manager, his seniority has been overlooked, and his juniors were promoted as Assistant Manager and the petitioner was given promotion as Assistant Manager only on 10.02.2015. Now, the next avenue for promotion is to the post of Manager, for which purpose, the second respondent has prepared the seniority list of Assistant Managers, and since the petitioner's seniority has been overlooked, and his immediate juniors were promoted earlier to him, the petitioner's name would be placed only below the names of the juniors, as a result of which, the petitioner has to wait for more than ten years to get promotion as Manager. Hence, the petitioner submitted representations to the first and second respondents to refix his original seniority, and to promote him to the post of Manager on the basis of the feeder category. Since the said representations evoked no response, the petitioner has come forward with the present writ petition.

3. Mr.L.P.Shanmugasundaram, learned Special Government Pleader, takes notice for the respondents. Heard both sides. With the consent of both the parties, the writ petition is disposed of at the stage of admission itself.

4. Learned Special Government Pleader submitted that the original seniority list was prepared in the year 1998. The petitioner was promoted to the post of Assistant Manager in the year 2015. The petitioner has made representations nearly about 17 years later and that the writ petition is barred by delay and laches.

5. In the light of the above facts and circumstances of the case, without going into the merits of the claim made by the petitioner, either in this Writ Petition, or in the representation, this Court directs the respondents to

consider the representations of the petitioner dated 19.08.2016 & 22.08.2016, on merits and in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, connected Writ Miscellaneous Petition is closed. No costs.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Registrar of Co-operative Societies,
No.170, E.V.R. Periyar Road,
Kilpauk, Chennai - 10.
 2. The Joint Registrar of Co-operative Society
Managing Director,
Thiruvannamalai District Central
Co-operative Bank Ltd.,
Thiruvannamalai.
- +1 CC to Mr. A.E. Kalaiselvan, Advocate sr 5032
+1 CC to Govt. Pleader sr 5395
+1 CC to Mr. L.P. Shanmugasundaram, Advocate sr 5823

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