

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.04.2017

Coram :

The Honourable Mr.JUSTICE T.RAJA

W.P.No.6708 of 2017

S. Jamuna Rani

... Petitioner

..Vs..

1. The Joint Registrar of Co-operative Societies,
Coimbatore.
 2. The Deputy Registrar of Co-operative Societies,
Coimbatore.
 3. The President,
K-2069, Veerakeralam Urban
Co-operative Credit Society Ltd.,
Veerakeralam,
Coimbatore - 641 007.
- ... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first and second respondents to grant administration sanction to the third respondent to promote the petitioner as a Assistant Secretary in the third respondent society by considering the resolution passed by the third respondent society dated 24.06.2016 and representations dated 17.06.2016 and 03.03.2017 within reasonable time. सत्यमेव जयते

For Petitioner : Ms.T.P.Savitha

For Respondents : Mrs.T.Girija
Government Advocate (for R1 to R2)
Mr.L.P.Shanmughasundaram (for R3)

O R D E R

This Writ Petition has been filed to direct the first and second respondents to grant administration sanction to the third

respondent to promote the petitioner as a Assistant Secretary in the third respondent society, by considering the resolution passed by the third respondent society, dated 24.06.2016, and representations dated 17.06.2016 and 03.03.2017 within reasonable time.

2. The case of the petitioner is that she was initially appointed as Fertilizer Sales Women on 07.08.1987 in the third respondent Society. After finding the satisfactory services of the petitioner, the respondent regularised her service on 17.11.1989. Thereafter, she was also promoted to the post of Assistant on 22.04.1994 and again within three years she was given further promotion to the post of Senior Assistant on 27.06.1997. It is her further case that as per cadre strength of the third respondent society, the Secretary is a superior post and second category is the Assistant Secretary and the third category is the Senior Assistant/Accountant and since the petitioner is working in third category as Senior Assistant from 27.06.1997 she sought for promotion to the post of Assistant Secretary. In this regard, she made a representation to the third respondent on 17.06.2016. After receipt of the representation the Board of the Directors passed a resolution in Resolution No.16, dated 24.06.2016, recommending the name of the petitioner for the post of Assistant Secretary and sent the matter for approval of the first and second respondents. Since, no order was passed, the petitioner approached the second respondent seeking to promote him as Assistant Secretary in the light of the resolution passed by the Society on 24.06.2016. But, the second respondent orally stated that the claim of the petitioner has not been considered, in view of the interim order, dated 07.01.2017, passed by this Court in WMP.No.3789 of 2016 in W.P.No.21087 of 2013. It is her further case that the said Writ Petition was filed by one A.Murugesan, who was a junior to the petitioner and hence interim order of this Court pertains to the promotion of the juniors of the said A.Murugesan and therefore the petitioner has to be considered for promotion. The petitioner again made a representation to the first and the second respondents on 03.03.2017 to consider her claim based on the earlier representation, submitted to the third respondent, dated 17.06.2016. Since, the first and second respondents have not passed any order, the petitioner has come forward with this Writ petition seeking for the aforesaid relief.

3. A counter affidavit has been filed by the third respondent stating that as per the seniority list, the petitioner is in Sl.No.3 and before the petitioner one S.Maheswari who was working as a Senior Assistant is in Sl.No.2 but she was suspended and was facing the disciplinary proceedings. The Board have resolved in resolution No.16 stating that there are two vacancies to the post of Assistant

Secretary and as far as the third respondent is concerned, there is no impediment to promote the petitioner as Assistant Secretary and the said resolution was sent to the first and the second respondents for getting administrative approval. It is further stated that since the petitioner is the senior person than the petitioner in W.P.No.21087 of 2013, interim order of this Court in WMP No.3789 of 2016 in W.P.No.21087 of 2013 is not a bar to promote the petitioner as Assistant Secretary as it pertains only to the promotion of the juniors of the petitioner in W.P.No.21087 of 2013. It is further stated that after getting administrative approval from the first and second respondents, the third respondent is ready to give promotion as Assistant Secretary to the petitioner.

4. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and learned counsel appearing for the third respondent.

5. Although the petitioner is ranked as third person in the seniority maintained with the third respondent, the first senior most person has been posted as Secretary. The second senior most person one S.Mageswari, who is eligible to be promoted to the post of Assistant Secretary was facing suspension from 17.06.2013. Therefore, the petitioner has given a representation to consider her name for the post of Assistant Secretary in the third respondent society. On receipt of the same the resolution has been passed. In resolution No.16, the third respondent, by recording the undertaking given by the petitioner stating that if the said Maheswari comes back to the post, she is ready to occupy the second position in the post of Assistant Secretary (since two posts of Assistant Secretary are vacant). Therefore, when the resolution has been passed accepting the undertaking given by the petitioner, this Court finds, no hesitation to direct the first and second respondents, to grant Administrative sanction to the third respondent to promote the petitioner.

6. Accordingly, the first and the second respondents are directed to grant administrative sanction to the third respondent to promote the petitioner as Assistant Secretary in the third respondent Society by considering the resolution passed by the third respondent society dated 24.06.2016 and representations given by the petitioner on 17.06.2016 and 03.03.2017.

7. The said exercise shall be done within a period of four weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rsi/arr

To

1. The Joint Registrar of Co-operative Societies,
Coimbatore.
2. The Deputy Registrar of Co-operative Societies,
Coimbatore.
3. The President,
K-2069, Veerakeralam Urban
Co-operative Credit Society Ltd.,
Veerakeralam,
Coimbatore - 641 007.

+1cc to Mr.T.P.Savitha, Advocate, S.R.No.23681

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.23875

mp(co)
rmp(02/05/17)

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सत्यमेव जयते

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