

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15691 of 2017

&

WMP.NO.16983/2017

P.Abhiraman

... Petitioner

-vs-

1. The Managing Director/Addl. Registrar
Tamil Nadu Cooperative Union
No.170, Periyar E.V.R.Salai
Kilpauk, Chennai 600 010

2. The Registrar
Office of the Registrar of Cooperative Societies
No.170, Periyar E.V.R.Salai
Kilpauk, Chennai 600 010 .. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorari, calling for the
records of the second respondent in R.C.No.13502/2017/PMCT1,
dated 24.04.2017 and quash the same.

For Petitioner :: Mr.S.Muthukrishnan

For Respondents :: Mr.L.P.Shanmughasundaram
Special Government Pleader

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ORDER

The petitioner joined the services of the Tamil Nadu Cooperative Union on 12.3.2001 as a Driver and his services were also regularised with effect from 1.9.2007. Consequently, the first respondent, in his proceedings dated 30.12.2007, fixed the petitioner in the time scale of pay with effect from 1.9.2007. Thereafter, on 12.3.2001, he was given selection grade scale in

the post, with which he has been serving as a Driver. In the meanwhile, he had also completed the Diploma in Cooperative Management course conducted by Perarignar Anna Institute of Cooperative Management, Kancheepuram after receiving permission from the Tamil Nadu Cooperative Union and also completed the certificate course of jewel appraisal and its technique in Tamil Nadu Cooperative Union. Therefore, it is his claim that he is fully eligible to be appointed as Junior Assistant in the Institute of Cooperative Management.

2. Learned counsel for the petitioner also further submitted that since the educational qualification prescribed for appointment as Junior Assistant in the Cooperative Management Institute is a pass in SSLC and completion of the Cooperative Training course, the petitioner's representation dated 19.10.2010 seeking his transfer to the post of Junior Assistant from Driver should have been considered. He has also submitted that the first respondent had also sent a communication on 6.2.2016 in Na.Ka.No.9193/10/A1 to the second respondent recommending the petitioner's name as a special case to the post of Junior Assistant. But the second respondent did not pass any order on the basis of the communication and also his representation. Therefore, he came to this Court with W.P.No.1267 of 2017 seeking a writ of mandamus, directing the respondents to transfer him as Junior Assistant with all monetary benefits, as per the representations dated 23.9.2016 and 13.10.2016. This Court, considering the limited prayer, issued a direction for considering of his representation. Finally the impugned order has been passed by the second respondent taking a different stand that the petitioner has not worked as Office Assistant, which is the feeder category for promotion, and his services were regularised in the post of Driver only on 13.10.2007 and in view of the amended special bye-laws of the Tamil Nadu Cooperative Union which are in force from 20.8.2009, the petitioner is not eligible for promotion as Junior Assistant.

3. I find no merits in the writ petition. The reason is that the impugned order clearly shows that the petitioner has not worked as Office Assistant, which is the feeder category for promotion to the post of Junior Assistant and his services were regularised in the post of Driver only on 13.10.2007. Moreover, when the educational qualification for the post of Junior Assistant is a Degree, as per the amended special bye-laws of the Tamil Nadu Cooperative Union in force, the impugned order passed by the second respondent holding the petitioner as ineligible for the post of Junior Assistant cannot be interfered with, because the petitioner is not having the qualification as

per the special bye-laws for the said post. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.No.16983 of 2017 is also dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director/Addl. Registrar
Tamil Nadu Cooperative Union
No.170, Periyar E.V.R.Salai
Kilpauk
Chennai 600 010
2. The Registrar
Office of the Registrar of Cooperative Societies
No.170, Periyar E.V.R.Salai
Kilpauk
Chennai 600 010.

+1CC to mr.L.P.Shanmugasundaram, Advocate SR.No.44672
+1cc to Government Pleader, SR.No.44743.

W.P.No.15691 of 2017

SS(CO)
GN(03/07)

सत्यमेव जयते
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