

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 21.12.2018

CORAM :
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.8467 of 2013
and
MP.No.1 of 2013

Anitha Anand

... Petitioner

Vs

- 1.The Administrator,
Tamilnadu Co-operative Housing Federation Ltd,
No.48, Rithetran Road,
Vepery, Chennai-600 007.
- 2.The Administrator & Registrar,
Co-operative Societies (Housing),
Nandanam, Chennai - 600 035.
- 3.P.Ramesh Babu,
Superintendent,
Tamilnadu Co-operative Housing Federation Ltd,
No.48, Rithetran Road,
Vepery, Chennai - 600 007.
- 4.S.Suguna,
Superintendent,
Tamilnadu Co-operative Housing Federation Ltd,
No.48, Rithetran Road,
Vepery, Chennai - 600 007.
- 5.M.Valarmathi,
Superintendent,
Tamilnadu Co-operative Housing Federation Ltd,
No.48, Rithetran Road,
Vepery, Chennai - 600 007.
- 6.Uma Mageshwari,
Superintendent,
Tamilnadu Co-operative Housing Federation Ltd,
No.48, Rithetran Road,
Vepery, Chennai - 600 007.
- 7.Muthu Manickam,
Superintendent,
Tamilnadu Co-operative Housing Federation Ltd,
No.48, Rithetran Road,
Vepery, Chennai - 600 007.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, direct the respondents 1 to 2 re fix the seniority according to the remittance of staff security deposit (SSD) as being followed by the earlier and consequently grant with all other monetary and service benefits to the petitioner.

For Petitioner : M/s.P.Manikannan

For Respondent 1 : Mr.S.Kanmani Annamalai

For Respondent 2 : Mr.B.Anand

For Respondent 3-7 : Mr.U.Karunakaran

O R D E R

Challenging the seniority list dated 31.03.1997 for the post of Junior Clerk, in Tamil Nadu Cooperative Housing Federation, this present writ petition has been filed.

2. The writ petitioner states that he was appointed as Junior Clerk on 22.06.1994 along with the 15 other persons on the basis of the interview conducted by the respondent. All the 15 persons who were selected were directed to pay the Staff Security Deposit. According to the writ petitioner the seniority should be fixed on the basis of the remittance of the Staff Security Deposit. In other words, according to the petitioner the person who remits the amount earlier must be kept higher on the seniority list.

3. Chapter-2 of the by-laws of the federation sets out the procedure for recruitment of the personnel. Rule-6 reads as under:-

"6. Appointment by Direct Recruitment.

a. No appointment by direct recruitment to any post shall be made by the Federation except by calling for a list of eligible candidates from the Employment Exchange and also by giving due publicity by means of announcement in the notice board of the Federation.

b. Where the employment exchange issues a non-availability certificate, the Federation shall invite applications from eligible candidates including employees working in any society by giving advertisement in more than one daily newspapers of which one should be in regional language having wide circulations through out the State provided that the newspapers are approved by the Government for the issue of Government advertisements.

c. Every appointment by direct recruitment shall be made by holding written examination and interview or by holding only interview as may be decided by the Selection Committee and on the basis of the rank given with reference to the marks obtained in the written Examination, if any, and the marks awarded in the interview, as the case may be.

Provided that nothing contained in this special by-laws shall apply to:

i. Any of the posts for the recruitment of which recruitment Bureau has been Constituted under Section 74 or in respect of which common cadre of service has been constituted under Section 75 of the Act.

ii. Appointments of dependents of the employees of any society who died or medically invalidated while in service, on compassionate grounds, and

iii. Appointments of regular or confirmed employees of Co-operative Societies rendered surplus, retrenched etc., otherwise than as a punishment inflicted by way of disciplinary action."

4. A perusal of the said rule would show that the seniority should be based on the marks awarded in the examination. The learned counsel for the respondent No.1 would submit that all the 15 persons who were selected in the interview were directed to deposit the Staff Security Deposit and the order in which the amount is paid can not determine the seniority list which has been fixed on the basis of the marks awarded in the examination prepared at the time of appointment.

5. It is not conceivable any seniority list can be prepared on the basis of payment of Staff Security Deposit. In view of the above mentioned facts, the writ petition is devoid of merits and accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsp/Pkn

To

1. The Administrator,
Tamilnadu Co-operative Housing Federation Ltd,
No.48, Rithetran Road,
Vepery, Chennai-600 007.

2.The Administrator & Registrar,
Co-operative Societies (Housing),
Nandanam, Chennai - 600 035.

+1cc to Mr.U.Karunakaran, Advocate, S.R.No.89689

+1cc to Mr.S.Kanmani Annamalai, Advocate, S.R.No.0193 (13/03/2019)

W.P.No.8467 of 2013

PA (CO)
RRS (08/02/2019)



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