

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. Nos. 45036 & 49960 of 2006**and M.P.Nos.1 & 1 of 2010**

Chennai Central Co-operative Bank Ltd.,
 S.C & S.T. Employee Welfare Association, (Reg.No.210/90)
 Rep.by its General Secretary C.Rajasekar
 Door No.8, Nagathakoil Street,
 Royapuram, Chennai-600 013.

...Petitioner in W.P.No.45036/06

Dr.Ambedkar Co-operative
 Banks Employees Union
 Rep.by its President M.Sampath
 PDK No.232 of 1997
 No.2, Gandhi Street,
 Pudukottai.

...Petitioner in W.P.No.49960/06

Versus

1.Chennai Central Co-operative Bank Ltd.,
 Rep.by its Special Officer,
 No.215, Prakasam Salai,
 Chennai-600 108.

2.The State of Tamil Nadu,
 Rep.by the Secretary to Government,
 Food Co-operation & Consumer Protection Department,
 Fort St.George, Chennai-600 009.

3.The Registrar of Co-op.Societies,
 No.170, E.V.R.High Road,
 Kilpauk, Chennai-600 010.

...Respondents in both WPs

4.The Secretary to Government,
 Adi Dravidar and Tribal Welfare Department,
 Fort St.George, Chennai-600 009

...Respondent in W.P.No.45036/06

PRAYER in W.P.No.45036/06: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus directing the 1st respondent to produce all the records in connection with the impugned order 19.10.2006 sent by the 1st respondent to the petitioner's lawyer and quash the same and further direct the 1st respondent to re fix the seniority of the persons mentioned in the petitioners lawyer notice dated 30.03.2004 addressed to the 1st respondent after following the rules of reservation and roster.

PRAYER in W.P.No.49960/06: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents, particularly the first respondent to issue/publish seniority list in respect of all the cadres of its staff and officers and award cost of this petition.

For Petitioner in both Wps.	: Mr. S.Chandrabose
For R1 and R3 in both Wps.	: Mr. L.P.Shanmugasundaram
	Special G.P. for co-op
For R2 and R4 in both Wps.	: Mr.Govindasamy
	Special Government Pleader

COMMON ORDER

The petitioner has filed these Writ Petitions challenging the order of the first respondent dated 19.10.2006 and for further direction to the first respondent to re-fix the seniority of the persons mentioned in petitioner's lawyer notice dated 30.03.2004.

2.The main grievance of the petitioner is that the provisional list

of employees under the SC/ST community working in the third respondent/Bank is inappropriate for which a writ petition has been filed before this Court in W.P.Nos.15388 of 1996 which was closed recording the statement of the respondents that all appointments are made under the rule of reservations only. However, again the petitioner-Association has raised the same issue by way of notice sent through a lawyer dated 30.03.2004 to the first respondent and preferred writ petition in W.P.No.28431 of 2004, seeking a direction to the first respondent to consider his representation by way of lawyer's notice dated 30.03.2004, which was considered by this Court and directed the first respondent to consider the petitioner's representation and dispose of the same on merits and in accordance with law. Pursuant to the orders of this Court in the above said Writ Petitions, the first respondent sent a reply letter to the lawyer dated 19.10.2006 stating as follows:

“... 8.The claims of your client if any, for re-fixation of seniority at this distance of time is belated one. There are 374 Assistants working in the Bank as on date, and that any attempt to alter their seniority will not only affect their inter-seniority, but also will cause utter chaos and give rise to series of litigations.”

Aggrieved against the same, the petitioner has filed this present Writ Petition.

3.Heard Mr.S.Chandrabose, learned counsel appearing for the petitioner, Mr.L.P.Shanmugasundaram, learned counsel appearing for respondents 1 and 3 and Mr.Govindasamy, learned Special Government Pleader

for respondents 2 and 4.

4.Learned counsel for the respondents 1 and 3 submitted that the petitioner's lawyer sent a notice on 30.03.2004 for re-fixing the seniority to the SC/ST candidates appointed by the bank. After receipt of the lawyer's notice, the first respondent sent a reply dated 19.10.2006. He further submitted that, it is only a reply to the notice and not an impugned order as alleged by the petitioner.

5.The reply notice is not an impugned order and no aggrieved person has approached this Court. However, the writ petitions filed by the petitioner is against the reply to the lawyer's notice and it is not at all maintainable. If any individual person aggrieved, it is open to him to make a representation before the authorities concerned. The respondents on receipt of such representation shall pass appropriate orders in the manner known to law.

6.With the above observations, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Internet : Yes/No
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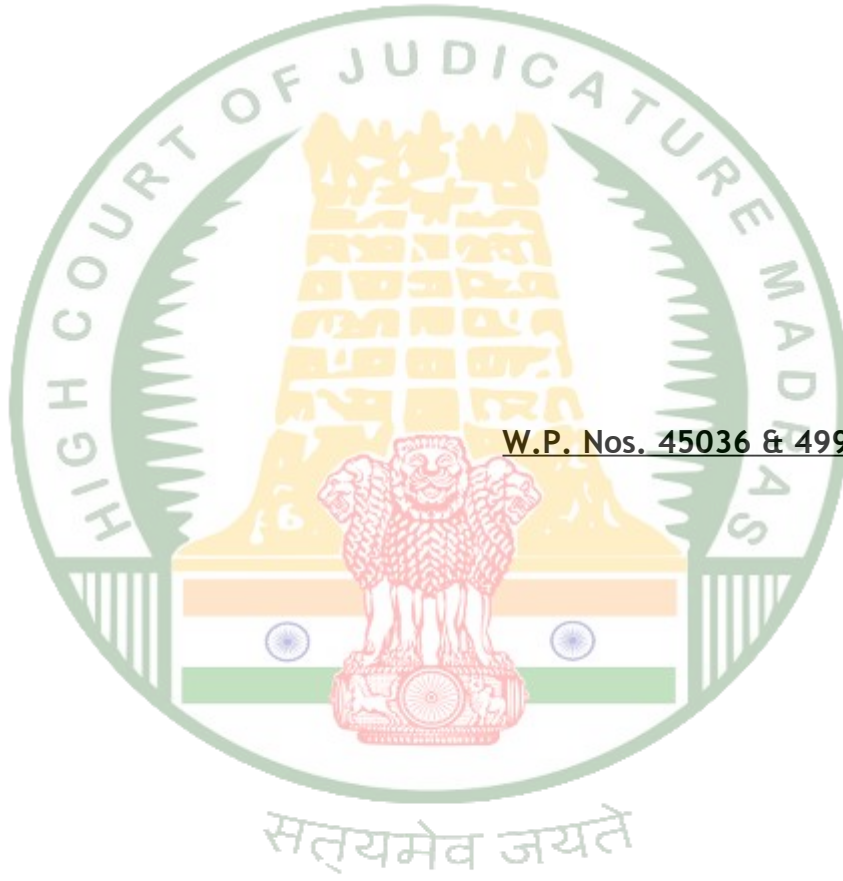
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