



W.P.(MD) Nos.13025 & 13026 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) Nos.13025 & 13026 of 2012

S.Manoharan ... Petitioner in W.P. (MD) No.13025/2012

D.Murugan ... Petitioner in W.P. (MD)
No.13026/2012

vs.

1.The Registrar of Cooperative Societies
Kilpauk
Chennai-10

2.The Joint Registrar of Cooperative Societies
Ramanathapuram Region
Ramanathapuram

3.The Deputy Registrar / Special Officer
Q.816, Ramanathapuram District Consumer
Cooperative Wholesale Stores Ltd.
Ramanathapuram
Ramanathapuram District ... Respondents in both W.Ps.

PRAYER (in both W.Ps.): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the respondents to promote the petitioner as "Superintendent" in pursuant to the panel published by the 3rd respondent in his proceedings in Na.Ka.677/2011/ப.ப.2, dated 27.12.2011 within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu
(in both W.Ps.)

For Respondents : Mr.D.Muruganandham
(in both W.Ps.) Additional Government Pleader



C O M M O N O R D E R

The relief sought for in the present writ petitions is for a direction to the respondents to promote the writ petitioners as Superintendents in view of the fact that a panel was published by the third respondent in proceedings, dated 27.12.2011.

2. The writ petitioners joined as Assistant Salesmen and subsequently, promoted as Salesmen and further to the post of Junior Assistant as well as to the post of Assistant. The grievance of the writ petitioners is that a panel for further promotion to the post of Superintendent was prepared and their name was included in the panel. However, the authorities competent had cancelled the panel and not granted promotion to the writ petitioners. Thus, the writ petitioners are constrained to file the present writ petitions.

3. Mere preparation of panel would not confer any right on the employee to seek promotion. Only in the event of promoting the juniors or the rules relating to the promotion are violated, a writ proceedings can be entertained and not otherwise. Even in case the junior was promoted, the said junior is to be impleaded as a party respondent and such an order of promotion must be challenged, otherwise the relief for grant of promotion cannot be granted.

4. This apart, the writ petitioners are working in the third respondent / Co-operative Wholesale Stores, which is a Society registered under the provisions of the Tamil Nadu Co-operative Societies Act. Thus, the third respondent is not the "State" within the meaning of Article 12 of the Constitution of India. However, if at all any grievance exists to the writ petitioners, it is left open to them to approach the authorities competent under the provisions of the Tamil Nadu Co-operative Societies Act.

5. This being the factum, the writ petitioners have not established any legal right for the purpose of considering the relief as such sought for in the present writ petitions. Accordingly, the writ petitions stand dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Registrar of Cooperative Societies,
Kilpauk, Chennai-10.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Joint Registrar of Cooperative Societies,
Ramanathapuram Region, Ramanathapuram.

3.The Deputy Registrar / Special Officer,
Q.816, Ramanathapuram District Consumer
Cooperative Wholesale Stores Ltd.,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-79225[F] dated 01/08/2019)

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KK/SAR/13.08.2019/3P-5C/