



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.13671 of 2019

D.Rajendran

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
Kilpauk,
Chennai.
2. The Joint Registrar of Co-operative Societies,
Pudukkottai.
3. The Deputy Registrar of Co-operative Societies,
Aranthangi Post and Taluk,
Pudukkottai District.
4. Special Officer,
T.826, Aranthangi Agriculture Producers
Co-operative Marketing Society,
Aranthangi Post and Taluk,
Pudukkottai District.
4. Selvi,
5. Sathiya,

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the orders passed by the third respondent in Na.Ka.No.1712/2017 A1, dated 01.04.2019, quash the same as illegal and arbitrary and in consequence thereof, direct the respondents 3 and 4 to refix the seniority of the petitioner and grant promotion to him with attendant monetary benefits.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 to R3 : Mr.M.Pandiarajan
Additional Government Pleader

For R4 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

**ORDER**

This Writ Petition has been filed seeking to quash the order passed by the third respondent in Na.Ka.No.1712/2017 A1, dated 01.04.2019, and consequently, direct the respondents 3 and 4 to refix the seniority of the petitioner and grant promotion to him with all attendant and monetary benefits.

2. According to the petitioner, he was appointed as a Salesman in T.826, Aranthangi Agriculture Producers Co-operative Marketing Society Ltd., Aranthangi, on 02.02.1991, by the proceedings of the fourth respondent and the cadre strength for the fourth respondent's Society was fixed by the fourth respondent, by his proceedings in Na.Ka.1441/90 A1, dated 16.07.1993 and the petitioner was appointed as a Typist on 01.10.1996 on consolidated pay of Rs.1,000/- per month and from 13.01.1999 onwards his pay was revised to Rs.1,250/- per month.

3. Further, one Sathiya/sixth respondent herein, who is a junior to the petitioner, was promoted to the post of Senior Assistant from Salesman on 28.11.2015 and one Selvi/fifth respondent herein was also promoted as Assistant Manager. Both of them were promoted to the higher post and the same was denied to the petitioner without any valid reasons. When the proposal for promotion to the petitioner was sent on 05.02.2016 and 06.09.2016, the same was declined by the third respondent on the ground that his services were not regularized. Therefore, the petitioner has sent representations to the authorities to refix his seniority and pay, but the same were not considered by them. Hence, the petitioner has approached this Court, by way of filing W.P.(MD) No.16027 of 2018 and this Court, by order dated 23.07.2018, directed the official respondents to consider the petitioner's plea for promotion and decide the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy that order.

4. According to the petitioner, after the order passed by this Court in the above said Writ Petition, the third respondent, vide impugned order in Na.Ka.No.1712/2017 A1, dated 01.04.2019, rejected the petitioner's plea on the ground that his service was not regularized. However, according to the petitioner, his service was regularized by the respondent Society. Challenging the said impugned order, the petitioner filed the present Writ Petition.

5. The learned Additional Government Pleader appearing for the fourth respondent, on instructions, denied the submission of the learned counsel appearing for the petitioner and submitted that the said submission is contrary to the service records of the respondent Society and the petitioner's service was not regularized by the respondent Society and therefore, the third respondent has rightly rejected the claim of the petitioner on the



aforesaid ground and the learned counsel for the petitioner has not produced any relevant materials before this Court to prove the said contention, hence, the learned Additional Government Pleader prayed for dismissal of the Writ Petition.

6. Perusal of the records shows that when the matter came up for hearing on 18.06.2019, this Court adjourned the Writ Petition to 26.06.2019 [Today] for enabling the learned counsel for the petitioner to file relevant documents with regard to regularization of service. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner is not in a position to produce the said regularization order passed by the respondent Society.

7. In view of the above, there is no infirmity or illegality in the order passed by the third respondent and the third respondent has rightly rejected the claim of the petitioner. Further, there is no *prima facie* case made out by the petitioner to entertain the Writ Petition. Accordingly, the Writ Petition fails and the same is dismissed. No costs. It is open to the petitioner to approach the authorities concerned for regularization of his service, if so advised.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

smn2

To

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai.
2. The Joint Registrar of Co-operative Societies, Pudukkottai.
3. The Deputy Registrar of Co-operative Societies,
Aranthangi Post and Taluk, Pudukkottai District.
4. The Special Officer,
T.826, Aranthangi Agriculture Producers
Co-operative Marketing Society,
Aranthangi Post and Taluk, Pudukkottai District.

+ 2 CC to The Special Government Pleader SR.Nos.72197 & 72007

W.P. (MD) No.13671 of 2019
26.06.2019