

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 27.06.2019****CORAM:****THE HONOURABLE Mr. JUSTICE D. KRISHNAKUMAR****W.P. (MD) No. 14252 of 2019**

WEB COPY

S. Madasamy

... Petitioner

Vs.

1. The Milk Commissioner / Registrar,
Chennai.2. The Deputy Milk Commissioner,
Chennai.3. The Deputy Registrar of Cooperative Societies (Dairing),
Tirunelveli.4. The President,
O.1067 Tirunelveli Milk producers Cooperative Society Ltd.,
No.24, Madurai Road,
Tirunelveli 627 001.

... Respondents

Prayer: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 31.05.2018, pertaining to promote the petitioner as the seniority, experience and merit.

For Petitioner : Mr. K. R. Laxman

For Respondents : Mr. M. Pandiarajan, AGP for R1 to 3
Mr. Aayeram K. Selvakumar, AGP for R4**ORDER**

This Writ petition has been filed to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 31.05.2018, pertaining to promote the petitioner as the per seniority, experience and merit.

2. The case of the petitioner is that he is working as Attender in the fourth respondent / Society. Without following the Cooperative Societies Act and Rules, juniors of the petitioner were promoted as Secretary. In this regard, the petitioner made a representation dated 31.05.2018 to the respondents 1 to 3 questioning the promotion order granted in favour of one K. Murugesan and K. Venkatachalam and the same is pending consideration.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that challenging the promotion order by way of a representation is not a proper form and hence, the petitioner can file an appropriate appeal before the authorities concerned.



4.The learned counsel for the petitioner submitted before this Court that it would suffice if the third respondent may be directed to consider the representation of the petitioner on merits and in accordance with law.

5.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

6.In view of the submission made by the learned counsel for the petitioner, without going into the merits of the claim made by the petitioner, this Court directs the third respondent to consider the representation of the petitioner dated 31.05.2018 if it is in proper format on merits and accordance with law, after providing an opportunity of hearing to all parties concerned and then pass appropriate orders as expeditiously as possible.

7.The Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Milk Commissioner / Registrar,
Chennai.

2.The Deputy Milk Commissioner,
Chennai.

3.The Deputy Registrar of Cooperative Societies (Dairing),
Tirunelveli.

4.The President,
O.1067 Tirunelveli Milk producers Cooperative Society Ltd.,
No.24,Madurai Road, Tirunelveli 627 001.

+1 CC to SPL GP SR-72289.

+1 CC to MR.K.R.LAXMAN, Advocate SR-72473.

W.P. (MD) No.14252 of 2019
27.06.2019

CS/ /SAR/16.07.2019/ 2 P/ 7C