



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.08.2019**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD) .No. 18023 of 2019

P. Sundaradev : Petitioner

Vs.

1. The Principal Secretary to Government,
Co-operative Food & Consumer Protection Department,
Secretariat, Chennai - 600 009.
2. The Regional Joint Registrar of Co-operative Societies,
Ramanathapuram Region,
Ramanathapuram.
3. The Joint Registrar / Managing Director,
Ramanathapuram District Central Co-operative Bank,
Ramanathapuram - 623 501. : Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a **Writ of Mandamus**, directing the first respondent to consider the petitioner's second revision petition, dated 17.02.2019 and pass appropriate orders regarding notional promotion in the cadre of Assistant Manager on par with his juniors and consequent promotion as Manager on par with his junior, within a specified time frame fixed by this Court.

For Petitioner : Mr.S. Visvalingam
For Respondents-1 & 2 : Mr.M.Pandiyarajan,
Additional Government Pleader
For Respondent-3 : Mr.D. Shanmugaraja Sethupathi

ORDER

This Writ Petition has been filed seeking for a direction to the first respondent to consider the petitioner's second revision petition, dated 17.02.2019 and pass appropriate orders regarding notional promotion in the cadre of Assistant Manager on



par with his juniors and consequent promotion as Manager on par with his junior, within a specified time frame fixed by this Court.

2. Mr. M. Pandiayarajan, learned Additional Government Pleader takes notice for the respondents-1 & 2 and Mr.D. Shanmugaraja Sethupathi, learned counsel takes notice for the third respondent. By consent of both parties, the instant writ petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he is presently serving as Manager, RDCC Bank, Mudukulathur Branch, Ramanathapuram Branch and his name was not included in the approved promotion list of Assistant Manager of the year 2007, only on the ground that three disciplinary proceedings were pending against him. After completing the disciplinary proceedings, he should have been given notional promotion as Assistant Manager on par with his juniors w.e.f., 31.01.2007 and he is entitled for notional promotion on 31.01.2007 on par with his juniors. He preferred an appeal against the order, dated 10.03.2015 passed by the second respondent/Regional Joint Registrar of Co-operative Societies, Ramanathapuram for a relief to consider his name in the promotion list of Assistant Manager for the year 2007 and notionally promote him as Assistant Manager on par with his juniors and consequently, to promote him as Manager notionally w.e.f., 27.03.2010 on par with his junior.

4. According to the petitioner, subsequently, he has filed a writ petition before this Court in W.P.(MD) No.24462 of 2018 and the same was allowed on 12.12.2018 and as per the directions issued in the aforesaid writ petition, he has preferred second revision petition before the first respondent/Principal Secretary to Government, Co-operative Food & Consumer Protection Department, Chennai, so far no order has been passed by the first respondent. Hence, the instant writ petition is filed seeking for a relief of early disposal of the appeal second revision petition.

5. Though this petition has been filed seeking for a positive direction to the respondents, according to the learned counsel appearing for the petitioner, the petitioner is satisfied, if a direction is issued to the first respondent, to consider the representation of the petitioner, within the time as fixed by this Court.

6. The learned Additional Government Pleader appearing for the respondents-1 & 2 has submitted that the representation of the petitioner will be considered on merits, within a reasonable



7. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, this Court, directs the first respondent to consider the petitioner's second revision petition, dated 17.02.2019 on merits and in accordance with law, and pass necessary orders, within a period of Twelve (12) weeks, from the date of receipt of copy of this order, after providing opportunity to the parties concerned.

8. With the above directions, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

Ksa

TO

1. The Principal Secretary to Government,
Co-operative Food & Consumer Protection Department,
Secretariat, Chennai - 600 009.
2. The Regional Joint Registrar of Co-operative Societies,
Ramanathapuram Region,
Ramanathapuram.
3. The Joint Registrar / Managing Director,
Ramanathapuram District Central Co-operative Bank,
Ramanathapuram - 623 501.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-82514[F] dated 20/08/2019)

+1 CC to M/s.D. SHANMUGHA RAJA SETHUPATHI, Advocate (SR-82714[F] dated 21/08/2019)

+1 CC to M/s.SPL GP (SR-83234[F] dated 22/08/2019)

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