

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.27083 of 2017

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus or any other appropriate writ (i) declaring the proceedings Notification No.3/2017 dated 01.06.2017 issued by the Respondent-Society as illegal, arbitrary and unjust and against the service conditions of the South Central Railway Employees' Cooperative Credit society Limited for the post of Asst.Secretary; and consequently set aside the Notification No.3/2017 dated 01.06.2017 by approving the selection process prescribed in the service conditions for the post of Asst.Secretary in the Respondent-credit society and promote the petitioners herein on the basis of their seniority in the cadre as per Service Rules of the Society; (iii) pass such order or other orders.....”

Heard Smt K.Udaya Sri, learned counsel for the petitioners and Sri K.Ramanuja Chari, learned Standing counsel for the respondents.

It has been contended by the petitioners that they are the employees of Respondent-Cooperative Society and are fully eligible and qualified for promotion to the post of Assistant Secretary. But the respondents, without considering the petitioners for promotion, issued a notification dated 01.06.2017 to fill up the post of Assistant Secretary by way of direct recruitment, which is against the existing Service Rules of the Society.

Learned counsel for the petitioners contends that the respondent No.2 has filed counter affidavit wherein in paragraph 10 of the said counter affidavit, the respondents admit that as per Rule 2 of Service Rules, the post of Assistant Secretary is liable to be filled up by way of promotion from the staff from the category of Office Superintendent in the grade of 840-1040 as was prevailing then at the time of framing of Rules. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to consider the cases of the petitioners for promotion to the post of Assistant Secretary.

Learned Standing counsel for respondents contends that as respondents have specifically stated so in paragraph 10 of the counter affidavit, the post of Assistant Secretary is liable to be filled up by way of promotion strictly in accordance with seniority from the category of Office Superintendent in the grade of Rs.840-1040.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view that this Writ Petition can be disposed of directing the respondents to fill up the post of Assistant Secretary by way of promotion from category of Office Superintendent who are working in the grade of Rs.840-1040 and respondents are also directed to consider the cases of petitioners for promotion to the post of Assistant Secretary if they are eligible as per their seniority.

With the above observations, the Writ Petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

18.06.2019
dv

