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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 12.03.2020

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THE HON'BLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.20166 of 2018

&

W.M.P.No.23631 of 2018

- 1.S.Venkatesh
- 2.K.Chandrasekar
- 3.A.Veerannan

...Petitioners

Vs.

1. The Secretary,
Government of Tamil Nadu,
Co-operative Department,
Fort St.George, Chennai.
2. The Registrar,
Co-operative Societies,
Kilpauk, Chennai - 600 010.
3. The President,
Chennai Central Co-operative Bank Limited,
No.215, Prakasam Salai, Broadway,
Chennai - 600 108.
4. The Managing Director,
Chennai Central Co-operative Bank Limited,
No.215, Prakasam Salai, Broadway,
Chennai - 600 108.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus to direct the fourth respondent to implement the order passed by the third respondent dated 30.12.2017 in No.5/166/2017 - 18/A1, 5/167/2017-18/A1 and 5/165/2017-18 respectively promoting the petitioners to the post of Assistant General manager (promote) and pay the revised pay accordingly.



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For Petitioner : Mr.M.L.Ramesh

For Respondents : Mr.L.P.Shanmuga Sundaram,
Spl.G.P.(for R.1 and R.2)
Mr.A.Praveen Kumar
for Mr.P.Anbarasan (for R.4)

ORDER

The case of the petitioners is that they were the employees of the third respondent/Bank. They were originally appointed as Assistant in 1987 and 1993 as the case may be. After serving for a number of years in the third respondent/Bank, vide order dated 30.12.2017, the President of the Society had granted promotion to these petitioners as Assistant Manager in the then existing vacancies.

2.The grievance of the petitioners is that despite the order been passed as early as in 2017, the same has not been implemented by the fourth respondent, who is the competent authority under the Act for approval of the promotion. Therefore, the petitioners are before this Court seeking for writ of mandamus directing the fourth respondent to implement the orders passed by the President of the third respondent/Bank promoting the petitioners to the post of Assistant Manager and pay the consequential pay scale.

3.The learned counsel appearing on behalf of the fourth respondent would vehemently oppose such direction being issued by this Court on the ground that the competent authority who is empowered to make such appointment is the Managing Director under the Rules and in support of his submissions, he has referred to the Rule position governing the subject promotion. The learned counsel would also submit that without exhausting the revision remedy under Section 153 of Tamil Nadu Co-operative Societies Act, the petitioners have straightaway approached this Court without utilizing effective alternate remedy provided under the Act.

4.At this, the learned counsel for the petitioner would submit that since no order has been passed pursuant to the promotion granted by the President of the third respondent/Bank, the petitioners were prevented from approaching the authorities by way of review or revision and therefore they are before this Court.

5.Considering the overall circumstances of the case, this Court is of the view that in the absence of any consequential order being passed by the fourth respondent, who is competent



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authority, the writ petition shall stand disposed of as under;
The fourth respondent is hereby directed to pass appropriate orders in regard to the promotion granted to these petitioners as Assistant Managers in 2017 by the erstwhile President of the third respondent/Bank on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

6. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

mrm

To

1. The Secretary,
Government of Tamil Nadu,
Co-operative Department,
Fort St. George, Chennai.
2. The Registrar,
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4. The Managing Director,
Chennai Central Co-operative Bank Limited,
No.215, Prakasam Salai, Broadway,
Chennai - 600 108.

+1cc to Mr.M.C.Ramesh, Advocate, S.R.No.22412
+1cc to Mr.P.Anbarasan, Advocate, S.R.No.22827
+1cc to Special Government Pleader(co-op), S.R.No.23187&24071

W.P.No.20166 of 2018

EV(CO)
KKV/14/07/2020