



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)NO.6677 of 2020

M.P.Karthikeyan

:Petitioner

.vs.

1.The Registrar of Cooperative Societies,
170, EVR High Road,
Kilpauk,Chennai.

2.The Managing Director/The Joint Registrar
of Cooperative Societies,
Tiruchirappalli District Central Cooperative Bank Limited,
Trichy, Trichy District.

3.The President,
Tiruchirappalli District Central Cooperative Bank Limited,
Trichy, Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to promote the Petitioner as Manager in the existing vacancy in the light of order made in W.P.No.17697 of 2018, dated 5.3.2019 and by considering the Petitioner's representation, dated 27.11.2019 and 28.5.2020 within the time stipulated by this Court

For Petitioner

:Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents
1 and 3

:Mr.K.Mu.Muthu,
Addl.Govt.Pleader

For respondent-2

:Mr.D.Shanmugaraja
Sethupathi

O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the third respondent to promote the Petitioner as Manager in the existing vacancy in the light of order made in W.P.No.17697 of 2018, dated 5.3.2019 and by considering the

<https://hcservices.ecourts.gov.in/hcservices/>



Petitioner's representation, dated 27.11.2019 and 28.5.2020 within the time stipulated by this Court.

2.Mr.K.Mu.Muthu, learned Additional Government Pleader takes notice on behalf of the respondents 1 and 3 and Mr.D.Shanmugaraja Sethupathi, learned counsel takes notice on behalf of the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal.

3.The Petitioner has filed the present Writ Petition in the nature of mandamus seeking promotion as Manager in the existing vacancy by considering his representation, dated 27.11.2019 and 28.5.2020. The petitioner is now working as Assistant Manager in Trichy District Central Cooperative Bank Limited, Trichy. He had been originally appointed as Assistant on 1.7.1998 and he claims that he has been working to the utmost satisfaction of his superiors for the past 22 years.

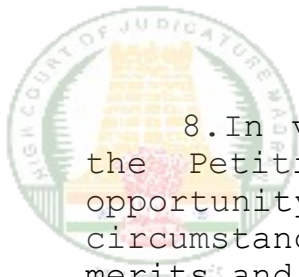
4.Mr.D.Shanmuga Rajasethupathi, learned counsel who takes notice on behalf of the second respondent gave a different version and stated that there is a criminal case pending against the Petitioner. These are all the facts only the the Petitioner and the respondents would be privy to.

5.The learned counsel for the Petitioner has placed reliance on the order of the learned Single Judge of this Court in W.P.No.17697 of 2018, dated 5.3.2019(A.G.Chandrasekar, Joint Registrar/Managing Director, Triplicane Urban Cooperative Society Limited,Chennai-5 .vs. The Principal Secretary to Government, Cooperation, Food and Consumer Protection Department, Secretariat, Chennai-9 and another), wherein, according to the Petitioner, in a very similar circumstance, a direction has been given that the case of the Petitioner should be considered for promotion and must also be kept in the panel for promotion. The details of the criminal case are not available before this Court. The learned counsel for the Petitioner represents that he had also sought for a direction before this Court seeking time limit for disposal of the criminal case. These records are not before this Court.

6.Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the second respondent states that the representation of the Petitioner would be considered at the time when promotion for the post of Manager is taken into consideration by the second respondent.A mandamus is issued that at that particular point of time, the representation of the Petitioner must be considered and necessary orders be passed therein.

7.Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondents 1 and 3 had also agreed to the above terms. The submissions of the above learned counsels are recorded.

<https://hcservices.ecourts.gov.in/hcservices/>



8. In view of the above submission, when the representation of the Petitioner is to be considered by the second respondent, opportunity has to be given to the Petitioner to explain his circumstances and thereafter necessary orders be passed therein, on merits and in accordance with law.

WEB COPY

9. With the above observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vsn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocates/litigants concerned.

To

1. The Registrar of Cooperative Societies,
170, EVR High Road,
Kilpauk, Chennai.
2. The Managing Director/The Joint Registrar
of Cooperative Societies,
Tiruchirappalli District Central Cooperative Bank Limited,
Trichy, Trichy District.
3. The President,
Tiruchirappalli District Central Cooperative Bank Limited,
Trichy, Trichy District.

ORDER MADE IN
W. P (MD) NO. 6677 of 2020
12.06.2020

AP(18/06/2020) 3P 4C