



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.10571 of 2020

and

W.M.P. (MD) No.9330 of 2020

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G.Manikandan

... Petitioner

Vs.

- 1) The Registrar,
Tamilnadu Co-operative Societies,
Office of the Registrar,
N.V.Natarajan Maligai,
Periyar E.V.R.Road,
Poonthamalli Salai,
Keelpackam,
Chennai - 600 010.
- 2.The Joint Registrar,
Office of the Thanjavur Regional Co-operative Societies,
M.C.Road, Thanjavur.
- 3.The Deputy Registrar/Managing Director,
Thanjavur Consumer Co-operative Wholesale
Store Limited,
2964/1, Therkalangam,
Thanjavur - 631 001.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Junior Assistant on a par of his Juniors considering the orders passed in W.P.(MD) Nos.10846 to 10849 of 2015 order dated 07.01.2020 and based on his representation dated 10.03.2020.

For Petitioner : Mr.N.Ilango

For Respondents : Mr.S.Dhayalan, G.A.

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to promote the petitioner as Junior Assistant on a par with his Juniors considering the orders passed in W.P.(MD) Nos.10846 to 10849 of 2015 order dated 07.01.2020 and based on his representation dated 10.03.2020.

2.The petitioner has been working as a Salesman at the 3rd respondent Society and he has also completed the course called Diploma in Co-operative Training, which is one of the essential qualification for consideration to the post of Junior Assistant, which is next higher post to the Feeder category Salesman, where the



petitioner is working. Therefore, in order to get the promotional post of Junior Assistant, the petitioner has been making representation to the respondents.

3. In this regard, the learned counsel appearing for the petitioner would submit that, some of the Salesmen, who joined service after the petitioner since have completed the said Diploma, had already been given Junior Assistant post at the third respondent Society. When that being so, such a benefit should not be denied to the petitioner. Therefore, the learned counsel appearing for the petitioner would submit that, in this regard, if his representation separately submitted to the respondents on 10.03.2020, is directed to be considered on merits and in accordance with law, the petitioner would be satisfied.

4. Heard the learned Government Advocate, who would submit that, insofar as the claim of the petitioner is concerned, he has already been promoted as Salesman and has been working and now he seeks further promotion to the post of Junior Assistant. Since there is only one sanctioned vacancy for each of the society, insofar as the third respondent society concerned, to the best of his instructions, no such vacancy in the third respondent society as of now for the post of Junior Assistant. However, in future vacancy, the petitioner would be considered. Therefore, at this juncture, immediate promotion to the post of Junior Assistant for the petitioner cannot be made for want of vacancy.

5. I have considered the said submissions made by the learned counsel for both parties and have perused the materials placed before this Court.

6. In view of the aforesaid facts and circumstances and having regard to the said submission made by the learned counsel for both parties, this Court is inclined to dispose of this writ petition with the following direction:

"The respondents shall consider the representation of the petitioner dated 10.03.2020 and accordingly, to take a decision as to whether the petitioner became eligible to the post of Junior Assistant with regard to the qualification as well as the experience as contemplated under the relevant bye law/service regulation in this regard and accordingly, take a decision as to whether such promotion can be given to the petitioner. Such decision can be taken by the respondents depending upon the availability of vacancy in the third respondent society. If there is no such vacancy of Junior Assistant in the third respondent Society as of now, as and when such vacancy is arisen, the petitioner's candidature can be considered as indicated above."



7. With the above direction, this writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

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/ /2020

Sub Assistant Registrar(CS)

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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 advocate/litigant concerned.

To:

- 1) The Registrar,
Tamilnadu Co-operative Societies,
Office of the Registrar,
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2964/1, Therkalangam,
Thanjavur - 631 001.

+1 CC to M/s.N. TAMILMANI, Advocate (SR-15498[F] dated 01/09/2020)
+1 CC to M/s.GP (SR-15672[F] dated 02/09/2020)

Order made in
W.P. (MD) No.10571 of 2020

Dated:
01.09.2020

SCR (CO)

KK (30.09.2020) 3P 6C