



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.10849 of 2015

and

M.P (MD) .Nos. 1 and 2 of 2015

and

W.M.P (MD) .No.3530 of 2016

A.Shanmugavalli

... Petitioner

-Vs-

- 1.The Joint Registrar
Office of the Thanjavur Regional Co-operative Societies
M.C.Road, Thanjavur
- 2.The Deputy Registrar/Managing Director
Thanjavur Consumer Co-operative Whole Sale Store Limited
2964/1, Therkalangam, Thanjavur 631 001
- 3.K.Chezhian
Sales Woman
Thanjavur Consumer Co-operative Whole Sale Store Limited
2964/1, Therkalangam, Thanjavur 631 001
- 4.R.Thomas Albert
Salesman
Thanjavur Consumer Co-operative Whole Sale Store Limited
2964/1, Therkalangam, Thanjavur 631 001
- 5.M.Murugaselvi
Sales Woman
Thanjavur Consumer Co-operative Whole Sale Store Limited
2964/1, Therkalangam, Thanjavur 631 001
- 6.D.Sumathi
Sales Woman
Thanjavur Consumer Co-operative Whole Sale Store Limited
2964/1, Therkalangam, Thanjavur 631 001
- 7.P.Murugesan
Salesman
Thanjavur Consumer Co-operative Whole Sale Store Limited
2964/1, Therkalangam
Thanjavur 631 001



8.T.Jeyanthi

Sales Woman

Thanjavur Consumer Co-operative Whole Sale Store Limited

2964/1, Therkalangam

Thanjavur 631 001

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relates to the order passed by the second respondent herein in Na.Ka.No.599/2012/ப.தொ. dated 20.06.2015, quash the same and consequently direct the respondent no.2 herein to promote the petitioner to the post of Junior Assistant by placing her name above her immediate juniors as per the seniority list published by the respondent no.2 herein in Na.Ka.No.599/2012/ப.தொ. dated 15.09.2014.

For Petitioner	: Mr.G.Karnan
For R1	: Mr.S.Dhayalan
	Government Advocate
For R2	: Mr.R.Karthikrajan
For R3 to R8	: Mr.M.Sridharan

ORDER

This Writ petition has been filed to call for the records relating to the order passed by the second respondent herein in Na.Ka.No.599/2012/ப.தொ, dated 20.06.2015, quash the same and consequently direct the respondent no.2 herein to promote the petitioner to the post of Junior Assistant by placing her name above her immediate juniors as per the seniority list published by the respondent no.2 herein in Na.Ka.No.599/2012/ப.தொ, dated 15.09.2014.

2.The petitioner was appointed as Sales Woman on 28.10.2010 by the respondents 1 and 2. The said appointed was done through employment exchange. As per rules and regulations and bye laws of the respondents Society, the petitioner is entitled for promotion as Junior Assistant on completion of three years of service as Sales Woman. Accordingly, the respondents Society have prepared the seniority list by proceedings in Na.Ka.No.599/2012/Pa/Tho, dated 15.09.2014 by fixing the cut of date on 01.04.2014. In the above Seniority List, the petitioner's name was found place in Sl.No.16. While so, the respondents Society have passed a promotion order in Na.Ka.No.599/2012/Pa/Tho, dated 20.06.2015, in which, the petitioner's name was not found and the juniors of the petitioner are found place in the promotion list to the post of Junior Assistant. Hence, the present Writ petition has been filed.

3.The respondents 1 and 2 have filed a counter affidavit, stating that since the petitioner underwent currency of punishment of stoppage of increment without cumulative effect for a period of



six months from 04.03.2015, her name was not included in the promotional list. Hence, they prayed for dismissal of this Writ petition.

4. Now, the learned counsel for the petitioner would submit that the currency of punishment of stoppage of increment without cumulative effect for a period of six months was over in the month of September 2015 itself. The grievance of the petitioner is that till date, the respondents Society have not considered the case of the petitioner. Since the currency of punishment for a period of six months was over in the month of September 2015 itself, she is eligible to be promoted to the post of Junior Assistant. However, the learned Counsel for the petitioner would submit that it would suffice, if a direction is issued to the respondents Society to promote the petitioner to the post of Junior Assistant from today, as there are seven vacancies available to the post of Junior Assistant.

5. The learned counsel for the respondents 1 and 2 would submit that the respondents are willing to promote the petitioner in the existing vacancy, provided she will not claim any other rights in the future.

6. The learned counsel for the respondents 3 to 8 would submit that though the respondents 3 to 8 were promoted, they have not been given any benefits, due to the pendency of this Writ petition.

7. Heard the learned counsel appearing for the petitioner as well as the respondents.

8. Perusal of record shows that the currency of punishment of stoppage of increments for a period of six months imposed on the petitioner was over in the month of September 2015 itself. The respondents Society ought to have considered the promotion of the petitioner after completion of the punishment. But till date no action has been taken by the respondents Society. Be that as it may, now there are seven vacancies available to the post of Junior Assistant. Considering the facts and circumstances of the case and as the Counsel for the petitioner had contended that it would be suffice, if the petitioner is promoted in the existing vacancy and she will not claim any benefits in respect of the above promotion in future, the respondents are directed to promote the petitioner in the existing vacancy, within a period of four weeks from the date of receipt of a copy of this order. In view of the passing of the above order, the respondents Society are directed to settle the benefits of the respondents 3 to 8 in the promotional post, within a period of eight weeks from the date of receipt of a copy of this order.



9. With the above direction, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

msa

To

1. The Joint Registrar
Office of the Thanjavur Regional Co-operative Societies
M.C.Road
Thanjavur
2. The Deputy Registrar/Managing Director
Thanjavur Consumer Co-operative Whole Sale Store Limited
2964/1, Therkalangam
Thanjavur 631 001

- +1 CC to M/s.M.SRIDHARAN, Advocate (SR-566[F] dated 07/01/2020)
- +1 CC to M/s.G.KARNAN, Advocate (SR-590[F] dated 07/01/2020)
- +1 CC to M/s.SPL.GP (SR-734[F] dated 08/01/2020)

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NS (CO)

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