



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.381 of 2021

and

W.M.P.(MD).No.306 of 2021

R.Dhamodharan

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
No.170, E.V.Periyarsalai,
O/o. Registrar of Co-operative Societies,
Kilpauk,
Chennai 600 010.
2. The Joint Registrar of Co-operative Societies,
Thoothukudi Zone,
No.39, First Street,
T.T.R.Naidu Street,
Thoothukudi 626 002.
3. The Managing Director,
Thoothukudi District Central Co-operative Bank,
DCCB Building, No.109/5-D Ettaiyapuram Road,
Polepettai,
Thoothukudi 628 008.
4. The President,
Thoothukudi District Central Co-operative Bank,
DCCB Building, No.109/5-D Ettaiyapuram Road,
Polepettai,
Thoothukudi 628 008.

5. S.Palaniyandi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to de-promote the fifth respondent from holding the post of Assistant General Manager and consequently promote the petitioner to the post of Assistant General Manager within a time as frame fixed by this Court.



For Petitioner

: Mr.R.Saravanan

For R1 & R2

: Mr.P.Mahendran

Additional Government Pleader

For R3 & R4

: Mr.D.Shanmugaraja Sethupathi

Standing counsel

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O R D E R

This writ petition has been filed for a direction to the respondents to de-promote the fifth respondent from holding the post of Assistant General Manager and consequently promote the petitioner to the post of Assistant General Manager.

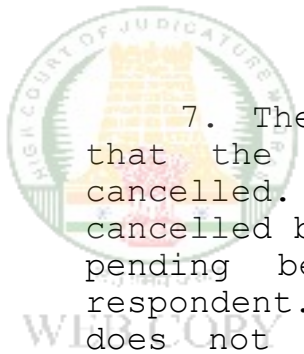
2. By consent of both parties, the writ petition is taken up for final disposal.

3. The case of the petitioner is that the fifth respondent is ineligible to the post of Assistant General Manager. However, he was promoted to the post of Assistant General Manager. Challenging the same, the petitioner has filed a writ petition before this Court in W.P.(MD)No.18456 of 2019 and this Court, by order dated 03.09.2019, directed the second respondent to consider the representation of the petitioner dated 20.09.2019 and pass orders on merits and in accordance with law. In compliance of the said order, on 23.12.2019, the Joint Registrar has passed an order cancelling the promotion given to the fifth respondent. Challenging the said order, the fifth respondent has filed a writ petition in W.P.(MD).No.7478 of 2020 before this Court. However, the petitioner was not promoted to the post of Assistant General Manager. Hence, the petitioner has filed the present writ petition.

4. The learned counsel appearing for the petitioner would submit that though the Joint Registrar has passed an order cancelling the promotion given to the fifth respondent, the petitioner was not promoted to the said post. Hence, he prayed for appropriate orders.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the very same cancellation order was challenged by the fifth respondent before this Court in W.P.(MD).No.7478 of 2020 and without agitating the issue, pending the said writ petition, filing the present writ petition for de-promotion, which was already done by the Joint Registrar, cannot arise at all. Hence, he prayed for dismissal of this writ petition.

6. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 and 2, the learned Standing counsel appearing for the respondents 3 and 4 and perused the materials available on record.



7. The grievance of the petitioner in this writ petition is that the promotion given to the fifth respondent has to be cancelled. However, the fact remains that the promotion was cancelled by the Joint Registrar on 23.12.2019 and the said order is pending before this Court at the instigation of the fifth respondent. Hence, filing one more writ petition before this Court does not arise. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in W.P.(MD).No.7478 of 2020. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (A.S)

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/ /2021

Sub Assistant Registrar(CS)

Akv

To

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+1 CC to the SPL GP SR-949.

+1 CC to M/s.D.SHANMUGARAJA STHUPATHI, Advocate SR-919.

+1 CC to M/s.R.SARAVANAN, Advocate SR-838.

W.P. (MD) No.381 of 2021

11.01.2021

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