



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8116 of 2021

WEB COPY

A.Manivel

... Petitioner

vs.

1.The Registrar of Co-operative Societies,
No.170, EVR Highway,
Keelpauk,
Chennai.

2.The Joint Registrar of Co-operative Societies,
Thiruchirappalli Region,
Thiruchirappalli.

3.The Joint Registrar/Managing Director,
Thiruchirappalli Central Co-operative Bank Limited,
Thiruchirappalli District.

4.The Special Officer,
Kattuputhur Branch,
Thiruchirappalli Central Co-operative Bank Limited,
Thiruchirappalli District.

5.The Special Officer,
Thottiam Branch,
Thiruchirappalli Central Co-operative Bank Limited,
Thiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 25.01.2021 and direct that the petitioner be evaluated in normal course for his due promotion since 2010.

For Petitioner : Mr.V.Kannan

For RR 1 & 2 : Mr.C.Ramesh
Special Government Pleader

For RR 3 to 5 : Mr.D.Shanmugaraja Sethupathy

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner, dated 25.01.2021, and grant promotion.



2.Mr.C.Ramesh, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mr.D.Shanmugaraja Sethupathy, learned counsel accepts notice on behalf of the respondents 3 to 5.

3.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 to 5.

4.According to the petitioner, he was appointed as an Assistant in the Central Co-operative Bank in the year 1998 and after several transfers, he was working as an Assistant/Supervisor from 26.05.2016 in the Central Co-operative Bank, Thootiam Branch. While so, the third respondent issued a charge memo, dated 30.10.2010, for misappropriation of funds by the Officers of the Bank in allotment of agricultural loan to its members and punishment was imposed by the third respondent, vide order, dated 22.10.2011. Challenging the same, the petitioner preferred a revision petition before the Joint Registrar, Pudukottai and the same was allowed setting aside the order of punishment, by proceedings, dated 25.10.2012.

5.Further according to the petitioner, subsequently, when the petitioner was working at Kattuputhur Branch in the year 2014, he was suspended on the allegation that he had failed to supervise misappropriation of funds and committee in the matters of crop loans in M.M.352, Thimmatchipuram Primary Agricultural Co-operative Society and was served with a charge-memo, dated 24.09.2014. The petitioner submitted his explanation on 09.10.2014. After initiating disciplinary proceedings, based on the report of the Enquiry Officer, punishment of fine of Rs.250/- was imposed. Aggrieved over the same, the petitioner preferred a revision under Section 153 of the Tamil Nadu Co-operative Societies Act, but the same came to be confirmed by the second respondent, vide order, dated 15.11.2017. Challenging the same, the petitioner filed a Writ Petition in W.P (MD)No.4506 of 2018 and this Court, by order dated 02.03.2018, granted an order of interim stay. In view of the pendency of the Writ Petition, the respondents are not able to consider the name of the petitioner for promotion. Hence, the petitioner has sent a representation, dated 25.01.2021 to consider his name for promotion. Since the same has not been considered so far, the petitioner has come out with the present Writ Petition.

6.Mr.D.Shanmugaraja Sethupathy, learned counsel appearing for the respondents 3 to 5 submitted that a criminal case has been initiated against the petitioner in Crime No.2 of 2014 on the file of the Karur Commercial Crime Investigation Wing and the same has been taken on file by the learned Judicial Magistrate No.II, Kulithalai. The learned counsel further submitted that on 17.01.2020, 17 Assistants were promoted as Assistant Manager. In view of the pendency of the criminal case, the petitioner's name was



not considered and on conclusion of the criminal case, his name will be considered in future.

7. Considering the rival submissions made on either side and the fact that the petitioner's name was not considered in view of the pendency of the criminal case, the petitioner is not entitled to the relief as sought for in the present Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ps

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

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+1 CC to M/s.SPL GP (SR-16937[F] dated 21/04/2021)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-17060[F] dated 22/04/2021)

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