



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.627 of 2019

WEB COPY

1.T.Kannan

2.H.Nazar Ahamed

.. Appellants/3rd parties/3rd parties

Vs.

1.The Registrar of Co-operative Societies,
170, E.V.R. Periyar Salai, Kilpauk,
Chennai - 10.

2.The Managing Director/Joint Registrar of Co-operative Societies,
Dindigul District Central Co-operative Bank Ltd.,
Kooturavu Nagar,
Trichy Road,
Dindigul - 624 005.

3.The President,
Dindigul District Central Co-operative Bank Ltd.,
Kooturavu Nagar,
Tirunelveli Road,
Dindigul - 624 005.

.. Respondents 1 to 3/Respondents 1
to 3/Respondents 1 to 3

4.S.Kadalkannan

5.S.Muthuvel

6.P.Kasilingam

7.G.Shanmuga Sundaram

8.A.Manickkaraj

9.D.Arunkumar

10.V.Kanimozhi

11.P.Velmurugan

12.G.Jeyabalan

.. Respondents 4 to 11/Petitioners /
Writ Petitioners

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent,
praying to set aside the order dated 19.09.2018, in W.M.P.(MD)
No.1499 of 2016 in W.P.[MD]No.1734 of 2016.

Prayer in WP(MD) . 1734/ 2016 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Certiorarified Mandamus calling for the records on the file of the
1st respondent circular in Na.Ka.No.55158/2015/Ktg1 Mavapal dated
21.09.2015 and the seniority list fixed by 2nd respondent in
Na.Ka.No.87/2009-10/pal dated 11.3.2014 and quash the same and
direct the 2nd respondent to fix the seniority list based on the



merits and prepare the seniority list based on the marks obtained in their appointments.

For Appellants : Mr.D.Sadiq Raja
For Respondent No.1 : Mr.R.Baskaran
Standing Counsel for Government
For Respondent No.2 : Mr.S.Seenivasagam
Standing Counsel
For Respondent No.3 : No appearance
For Respondent Nos.4 to 12: Mr.V.O.S.Kalaiselvam

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.D.Sadiq Raja, learned counsel for the appellants, Mr.R.Baskaran, learned Standing Counsel for Government, appearing for respondent No.1, Mr.S.Seenivasagam, learned Standing Counsel for Respondent No.2 and Mr.V.O.S.Kalaiselvam, learned counsel for Respondent Nos.4 to 12.

2.This Writ Appeal is directed against an interim order dated 19.09.2018, in W.M.P.(MD) No.1499 of 2016 in W.P.[MD]No.1734 of 2016.

3.The appellants though filed a petition to implead themselves in the said Writ Petition and the impleading petition was also shown in the cause list dated 19.09.2018, the name of the counsel for the impleading petitioners was not printed in the cause list. As a result, the impleading petition is still pending and the interim order granted in W.M.P.(MD) No.1499 of 2016 has been made absolute. Therefore, the appellants sought to file the Writ Appeal and the present appeal is very much prosecuted. In the meantime, the impugned order has been implemented and a revised seniority list was published on 14.12.2018.

4.We are informed by the learned counsel for the third respondent society that certain third parties in the Writ Petition challenged the revised list.

5.We perused the order sheet and find that the Writ Appeal is neither admitted nor notice was ordered, but adjourned from time to time. Even today, a feeble request was made by the learned counsel for the appellants for adjournment. We have rejected the said request for more than two reasons, namely, by keeping the Writ Appeal pending no purpose would be served as the impugned order in the Writ Petition has been implemented. That apart, the Writ Petition is pending and the revised seniority fixed by way of the impugned order has been put to challenge in separate Writ Petitions and one such Writ Petition is W.P.(MD) No.39 of 2019.

6.In such circumstances, we dispose of the Writ Appeal, <https://hccservicescourts.gov.in/hccservices> to the appellants to raise all the contentions in the



pending Writ Petition in W.P.(MD) No.1734 of 2016, since the appellants have already filed impleading petition in W.M.P.(MD) No.4333 of 2016 in the Writ Petition. In the event, the said petition has not been ordered, the appellants shall be impleaded as respondent Nos.4 and 5 in the Writ Petition. However, for some reasons, if the impleading petition was closed or dismissed, we implead the appellants as respondent Nos.4 and 5 in the Writ Petition. It is open to the appellants to file counter affidavit in the said Writ Petition, since the matter is of the year 2016. Registry is directed to list W.P.(MD) No.1734 of 2016 before the appropriate Hon'ble Bench during the third week of August, 2021. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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 of Co-operative Societies,
170, E.V.R. Periyar Salai, Kilpauk,
Chennai - 10.

Copy to

1. The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.

2. The Section Officer, Writ Section
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.V.O.S.KALAISELVAM, Advocate (SR-22462[F] dated 14/07/2021)

+1 CC to M/s.S.SEENIVASAGAM, Advocate (SR-22801[F] dated 15/07/2021
W.A.[MD]No.627 of 2019

13.07.2021

SSS(CO)