



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.1286 of 2020
and WMP.Nos. 1546 & 21295 of 2020

R.Gopalakrishnan

..Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies
Erode Region, Erode,
Erode District.

2.The President,
K.26, Vadakkupudhupalayam Primary
Agricultural Cooperative Credit Society,
Vadakkupudhupalayam Post,
Kodumudi Taluk, Erode.

3.Leelavathi

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.7677/2019/Sa.Pa, datd 23.12.2019 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs. S.Anitha, Spl.GP - R1
Mr.L.P.Shanmugasundaram - R2
Mr.C.E.Pratap - R3

ORDER

The prayer in the writ petition is to calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.7677/2019/Sa.Pa, datd 23.12.2019 and quash the same.

2. According to the learned counsel for the petitioner, the petitioner was appointed as Salesman in the 2nd respondent society on 02.07.2014 and subsequently promoted as Junior Clerk on 07.11.2019 by giving retrospective effect on and from 01.11.2019 and working in the said post till date. The learned counsel for the petitioner has further submitted that the 3rd respondent who was appointed as sales women in the year 2011,



subsequently on her willingness and by relinquishing her right, she joined as Office Assistant in the 2nd respondent society on 01.12.2017. now after lapse of two years, she insist the 2nd respondent society for promotion to the post of junior clerk. The 3rd respondent has also filed a revision petition under Section 153 of Tamil Nadu Cooperative Societies Act and the 1st respondent granted stay of the petitioner's promotion and passed the impugned order. Challenging the same, the present writ petition is filed.

3. According to the learned counsel for the petitioner, since the petitioner had already promoted and the has been working in the promotional post from the year 2019, the impugned order, staying the promotion of the petitioner is liable to be set aside.

4. The learned Special Government Pleader appearing for the 1st respondent has submitted that the 1st respondent/revisional authority will consider the revision petition preferred by the 3rd respondent and pass appropriate orders at the earliest.

5. The learned standing counsel appearing for the 2nd respondent society and the learned counsel appearing for the 3rd respondent agreed the statement made by the learned Special Government Pleader appearing for the 1st respondent.

6. On perusal of records, the 1st respondent has passed the impugned order, suspending the execution of promotion order dated 07.11.2019 issued to the petitioner. Admittedly, the petitioner has already been promoted to the post of Junior Clerk and working in the promotional post as on date . The said facts were not disputed by the learned counsels appearing for the parties concerned. In view of the above, the impugned order dated 23.12.2019 passed by the 1st respondent is quashed.

7. The first respondent is directed to dispose of the revision petition preferred by the 3rd respondent on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the petitioner as well as the 3rd respondent shall cooperate with the enquiry pending before the 1st respondent.

8. In the result, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

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To

The Joint Registrar of Co-operative Societies
Erode Region, Erode,
Erode District.

+1cc to Mr.C.Prakasam, Advocate SR. No. 19856
+1cc Government Pleader SR. No.19886

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GPL (CO)
PR (05/05/2022)