



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.20394 of 2010

1.A.Lakshmanan (deceased)

2.L.Namasivayam

3.G.Suseela

... Petitioners

[The legal heirs of the deceased A.Lakshmanan
are impleaded as the petitioners No.2 & 3,
vide order dated 25.04.2022 in WMP.No.1381 of 2022]

Versus

1.The Revisional Authority/Joint Registrar of Cooperative
Societies,
Erode Region, Erode - 638 003.

2.Erode District Central Cooperative Bank Ltd.,
rep.by its Special Officer,
Bhavanai Road, Erode - 638 003.

3.The Coimbatore District Central Cooperative Bank Ltd.,
rep.by its Special Officer,
State Bank Road,
Coimbatore - 641 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Certiorarified Mandamus
calling for the entire records relating to the impugned orders
passed by the first respondent/ Revision Authority under Section
153 of the Tamil Nadu Cooperative Societies Act, 1983 made in
Revision Application No.12111/2008A4, dated 05.12.2009
confirming the Orders passed by the second respondent Bank in
Na.Ka.2007-08/E6, dated 31.10.2008 and quash the same and
consequently direct the second respondent to notionally accept
the claim of the petitioner for Seniority, Promotion and
consequential service benefits including the monetary benefits
as prayed for therein in the Revision Application.

For Petitioner : No Appearance



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For Respondents: Ms.E. Renganayaki, (for R1)
Additional Govt. Pleader.

: Mr. S. Saravanan (for R2 & R3)

O R D E R

This Writ Petition is filed by the original writ petitioner, who joined the service of the third respondent/Cooperative Society in the year 1963 and retired from service in the year 2000. After his retirement, in the year 2008, he sought some information under the Right to Information Act. By an order dated 31.10.2008, the said information was furnished to him. One of the informations relates to his promotion, whereby the information regarding the promotion of his Junior on a prior date and promotion given on a latter date was furnished. The petitioner taking the said information under RTI Act, as given rise to a cause of action calculating the period of 90 days limitation from the said date, filed a revision under Section 153 of the Tamil Nadu Cooperative Societies Act, before the first respondent dated 15.12.2008.

2.The essence of the claim of the petitioner is that even as of the year 1982, he was Senior to one P.S. Ramalingam, however, the said P.S.Ramalingam was granted promotion on 9.1.1985 as Senior Assistant and on 30.09.1987 as Assistant Manager, as on 28.06.1994 as Manager and therefore, the petitioner claims promotion from the date of promotion of his Junior. As a matter of fact, by the order impugned in the writ petition dated 05.12.2009, the merits of the claim of the petitioner have also been gone into, and considering the date of acquisition of the SSLC qualification, the promotion given was sought to be justified and the revision filed by the petitioner was rejected. Aggrieved by which, the present writ petition is filed before this Court.

3.At the outset the claim of the petitioner for further promotion on par with his Junior from the years 1985, 1987 and 1994. The petitioner never raised any dispute during the period of his service until the date of his retirement in the year 2000. Even after his retirement only in the year 2008, he made an application under the RTI and obtained information. The said information furnished under RTI is not an original order of supersession and it is only the information which is furnished to him and it cannot give to him a cause of action to file a revision before the first respondent. Even otherwise, the claim raised in the revision petition in the year 2008 is to grant him a promotion with effect from the years 1985, 1987 and 1994,



which are hit by laches and the revision is hopelessly barred by limitation. Therefore, the Writ Petition fails on the face of it and accordingly, is dismissed. No costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

klt

To

1.The Revisional Authority/Joint Registrar of Cooperative Societies,

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rep.by its Special Officer,
Bhavanai Road, Erode - 638 003.

3.The Coimbatore District Central Cooperative Bank Ltd.,

rep.by its Special Officer,
State Bank Road,
Coimbatore - 641 018.

+1 cc to Mr.S.Saravanan, Advocate Sr.NO. 28224

+1 cc to Government Pleader Sr.NO. 28625

W.P.No.20394 of 2010

ssn(CO)

A.SK(16/05/2022)