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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.5837, 18565 and 18570 of 2020

and

W.M.P.Nos. 6842, 6843, 23018, 23021, 23024 and 23036 of 2020

- 1.A.S.Thilhainathan ... Petitioner in W.P.No.5837/2020
2.D.Dharanibai ... Petitioner in W.P.No.18565/2020
3.A.Srnivasan ... Petitioner in W.P.No.18570/2020

vs.

- 1.The Joint Director of Cooperative Societies,
Vellore Region, Vellore.
2.The Deputy Registrar of Cooperative Societies,
Vellore Circle,
Vellore.
3.The Managing Director,
Vellore Town Cooperative Bank Ltd. No.C.1370,
Vellore.
4.B.Senthilkumar,
Assistant,
Vellore Town Cooperative Bank Ltd., No.C.1370,
Vellore. ... Respondents in all WPs

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 1st Respondent in Revision Petition No.11 of 2018 A2 Na.Ka.No.1690/2018 A2 dated 30.09.2019 and the impugned proceedings issued by the 3rd Respondent in No.Nil dated 26.11.2019 as well as the subsequent impugned proceedings issued by the 3rd Respondent in No.Nil dated 01.02.2020 (served on the Petitioners on 29.02.2020) and to quash the same and consequently, directing the Respondents 1 to 3 to allow the Petitioners to continue in the post of Manager and Assistant Manager respectively in the 3rd Respondent Bank, with all consequential and other attendant benefits.



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For Petitioners : Mr.S.Nedunchezhiyan
(in all WPs)

For Respondents : Mrs.S.Anitha
Special Government Pleader
(for R1 and R2 in all WPs)

Mr.P.Ganesan,
Standing Counsel
(for R3 in W.P.No.5837/2020)

Mr.L.P.Shanmugasundaram
(for R3 in W.P.Nos.18565 and 18570/2020)

No Appearance (for R4 in all WPs)

C O M M O N O R D E R

These writ petitions have been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 1st respondent in Revision Petition No.11 of 2018 A2 Na.Ka.No.1690/2018 A2 dated 30.09.2019 and the impugned proceedings issued by the 3rd respondent in No.Nil dated 26.11.2019 as well as the subsequent impugned proceedings issued by the 3rd respondent in No.Nil dated 01.02.2020 (served on the petitioners on 29.02.2020) and to quash the same and consequently, directing the 1st to 3rd respondents to allow the petitioners to continue in the post of Manager and Assistant Manager respectively in the 3rd respondent/bank, with all consequential and other attendant benefits.

2. According to the writ petitioner in W.P.No.5837 of 2020, there are two vacancies to the post of Manager, the petitioner was given promotion to the post of Manager in the existing vacancy based on his seniority and eligibility. He joined in the post of Manager on 15.02.2018. According to the writ petitioners in W.P.Nos. 18565 and 18570 of 2020, there are three vacancies to the post of Assistant Manager, the petitioners were given promotion to the post of Assistant Manager. They joined in the post of Assistant Manager on 15.02.2018.

3. Challenging the aforesaid promotion given to the writ petitioners, the 4th respondent herein has filed Revision Petition before the Revisional Authority/the 1st respondent herein under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. The 1st respondent passed impugned order dated 30.09.2019 cancelling the promotion given to the



petitioners in the post of Manager and Assistant Managers respectively on the premises that the promotion has been given to the petitioners without following the procedure and it in violation of principles of natural justice. Further directed the 3rd respondent herein to obtain willingness from the 4th respondent and effect promotion accordingly. The petitioners came to know about the aforesaid proceedings only after the communication issued by the 3rd respondent dated 26.11.2019. Hence, they filed the present writ petitions before this Court.

4. According to the learned counsel for the petitioners that the aforesaid impugned order lacks legal infirmity mainly on the ground that the petitioners are being the aggrieved persons, they have not provided any opportunity of hearing and they were not impleaded as parties before passing the impugned order by the Revisional Authority. Therefore, according to the learned counsel for the petitioners that the said impugned order has been passed, is violative of principles of natural justice. Hence, the impugned order liable to be quashed.

5. Though notice has been served to the 4th respondent/revision petitioner, name was also printed in the cause list and none appeared for the 4th respondent/revision petitioner either in person or through counsel.

6. The learned Standing Counsel appearing for the 3rd respondent would submit that there is no objection to re-consider the issue afresh and pass orders by the Revisional Authority, after providing opportunity to the petitioner as well as the 4th respondent/revision petitioner.

7. In view of the aforesaid submissions made by the parties concerned, this Court come to the conclusion that the Joint Director of Co-operative Societies/the 1st respondent has passed the impugned order without impleading the petitioners as parties in the revision petition and the opportunity was granted only to the 4th respondent/revision petitioner in the aforesaid revision petition before the 1st respondent. Therefore, this Court has no hesitation to set aside the impugned order passed by the 1st respondent for the reason that it is violation of principles of natural justice.

8. In view of the fact, this Court inclined to pass orders as follows:-

- (i) The impugned order in Revision Petition No.11 of 2018 A2 Na.Ka.No.1690/2018 A2 dated 30.09.2019 passed by the 1st respondent is quashed and the matter is remitted to the 1st respondent for fresh consideration.



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(ii) The 1st respondent is directed to serve notice to the petitioners as well as the 4th respondent and to proceed with the revision petition, after providing opportunity of hearing to the petitioners and 4th respondent, pass appropriate orders on its own merits as expeditiously as possible.

(iii) The aforesaid exercise shall be completed by the 1st respondent within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, the writ petitions are allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

dm
To

1.The Joint Director of Cooperative Societies,
Vellore Region, Vellore.

2.The Deputy Registrar of Cooperative Societies,
Vellore Circle,
Vellore.

3.The Managing Director,
Vellore Town Cooperative Bank Ltd. No.C.1370,
Vellore.

+1 cc to Mr.G.Sankaran, Advocate Sr.NO.18665

+1 cc to Mr.P.Ganesan, Advocate Sr.NO. 18073

W.P.Nos.5837, 18565 and 18570 of 2020

GMR(CO)

A.SK(01/04/2022)