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W.P.No.27907 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.27907 of 2022 and WMP Nos.27201 and 27202 of 2022

D.Tharanidharan

... Petitioner

Versus

1. The Chairman/Joint Registrar of Cooperative Societies,
District Recruitment Bureau,
Co-operative Complex, Arokiyasamy Road,
K.K.Pudur, Coimbatore-23.
2. The Deputy Registrar of Cooperative Societies,
Coimbatore Circle, Chinthamani Complex,
North Coimbatore, Coimbatore,
Coimbatore District.
3. The President,
K.2069, Veerakeralam Urban Cooperative Credit Society Ltd.,
No.17, Periyathottam Colony,
Veerakeralam,
Coimbatore-641 007

... Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the first respondent in his Proceedings No.Kovai Co-Op.publicities – 558/22-23, dated 13.10.2022 published in Dinathanthi Newspaper dated 13.10.2022 and consequential order passed by the 3rd respondent in his Proceedings No.Nil dated 13.10.2022 and quash the same and consequently directing the respondents to promote the



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petitioner for the post of Salesman in the 3rd respondent society.

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For Petitioner : Mr.C.Prakasam
For Respondents : Mr.K.Sajeev Kumar
Spl.G.P
For R.1 and R.2
Mr.K.Tippu Sulthan
Government Advocate
For R.3

ORDER

This writ petition has been filed challenging the impugned advertisement issued in Dinathanthi Newspaper dated 13.10.2022 and the consequential proceedings dated 13.10.2022 passed by third respondent pursuant to the petitioner's representation seeking for promotion as Salesman.

2. The Circular dated 13.10.2022, which is challenged in this writ petition, pertains to entire District of Coimbatore. Under the Proceedings dated 13.10.2022, the third respondent has rejected the petitioner's representation seeking for promotion to the post of Salesman, as according to the petitioner, he was appointed in the year 2000, but, till date, he has not been promoted.

3. Heard Mr.C.Prakasan, learned counsel for the petitioner and Mr.K.Sajeev Kumar, learned Special Government Pleader accepts notice on



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behalf of the respondents 1 and 2 and Mr.K.Tippu Sulthan, learned

Government Advocate accepts notice on behalf of the third respondent. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that insofar as the third respondent Society is concerned, no notification has been issued calling for filling up for the post of Salesman, which is also a promotional post.

5. The main grievance of the petitioner in this writ petition is that he has to be promoted as a Saleman as he has been holding the post of Packer ever since 2000. Since the respondents are not going to fill up the post of Salesman in the third respondent Society, the request made by the petitioner for promoting him to the said post will not arise at this stage. Admittedly, as against the rejection order dated 13.10.2022, which is the subject matter of this writ petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, the petitioner will have to file statutory revision. Without exercising the said relief, the petitioner has directly approached this Court by filing this writ petition under Article 226 of the Constitution of India. There is no necessity for



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this Court to immediately intervene in this matter in view of the admitted fact that the respondents are not going to fill up the post of Salesman in the third respondent Society. Therefore, necessarily the petitioner will have to first exercise the statutory right of revision under Section 153 of Tamil Nadu Co-operative Societies Act, 1983, for which, the learned counsel for the petitioner agrees.

6. After recording the undertaking given by the respondents that they are not going to fill up the post for the present to the third respondent Society under the impugned Notification for the post of Salesman, this writ petition is disposed of by directing the petitioner to file a statutory revision under Section 153 of Tamil Nadu Co-operative Societies Act, 1983, if aggrieved by the impugned rejection order dated 13.10.2022 within the stipulated period as prescribed under the Act. No costs. Consequently, connected miscellaneous petitions are closed.

19.10.2022

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sr
Index: Yes/No
Speaking Order/Non-Speaking Order



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ABDUL QUDDHOSE, J.

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