



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A(MD)No.249 of 2011

and

M.P(MD)No.1 of 2011

P.Kesari :Appellant/6th respondent

.vs.

1.Thiru.H.Mohan : 1st respondent/writ petitioner

2.The Joint Registrar of Co-operative Societies,
Tuticorin.

3.The Deputy Registrar,
Co-operative Societies, Tuticorin.

4.The management of Tuticorin
Co-operative Bank Ltd.,
188, rep. by its Managing Director,
47, Emperor Street, Tuticorin - 1.

5.Thiru.B.Nasaren, Assistant Manager,
S/o.Perkumans,
A.188, Tuticorin Co-operative Bank,
Tuticorin - 1.

6.Thiru.N.Murugesan ... Respondents 2 to 6/Respondents 1 to 5

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order dated 28.04.2009 made in W.P(MD)No.3226 of 2005.

Prayer in WP(MD). 3226 of 2005 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus, calling for the records of the 1st respondent in his order dated 29/12/2004 passed in Revision petition No. 44/97(proceedings in ROC.7160/2003) and quash the same and direct the respondents 1 to 3 to fix the petitioner's seniority in No. 1 position above the respondents no 4 to 6.



For Appellant :Mr.T.Sakthi Kumaran for
Mr.A.Thirumurthy
For R-1 :Mr.C.Dhanaseelan
For R-2 & R-3 :Mr.S.P.Karthick,
Government Advocate
For R-4, R-5 & R-6:No Appearance

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JUDGMENT

[Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**]

Aggrieved by the order dated 28.04.2009 allowing the writ petition in W.P(MD)No.3226 of 2005 filed by the first respondent, the 6th respondent is on appeal.

2. The subject matter of challenge in the writ petition was the order of the first respondent Joint Registrar of Co-operative Societies, Tuticorin, dated 29.12.2004 directing re-determination of seniority of the writ petitioner and respondent Nos.4 to 6.

3. The learned single Judge who heard the writ petition held that since the writ petitioner as well as the respondent Nos.4 & 6 had retired from service, no useful purpose will be served by re-fixing the seniority, as the fixation would not have any effect on the service of the writ petitioner or the fifth respondent in the writ petition Mr.Murugesan.

4. Heard Mr.T.Sakthikumaran, learned counsel for the appellant.

5. The learned counsel for the appellant would contend that the petitioner in the writ petition namely the first respondent herein did not have essential qualification namely the Training in Co-operation on the date of his appointment as a Clerk and he attained the same subsequently on 01.07.1987.

6. We do not think that this question can be addressed at this point of time since the petitioner in the writ petition as well as the appellant have retired from service and no useful purpose will be served by fixing or re-fixing the seniority. Hence, the writ appeal fails and is accordingly dismissed. No Costs.

Sd/-

Assistant Registrar(AD-II)

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/ /2022

Sub Assistant Registrar(CS)



pm

To

1.The Joint Registrar of Co-operative Societies,
Tuticorin.

2.The Deputy Registrar,
Co-operative Societies,
Tuticorin.

+1 CC to M/s.SPL GP (SR-5369[F] dated 10/02/2022)

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-5482[F] dated 10/02/2022)

**JUDGMENT MADE IN
W.A(MD)No.249 of 2011
09.02.2022**

tp(CO)

TR(25.02.2022) 3P 5C