



W.P.(MD)No.7478 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:13.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7478 of 2020
and
W.M.P(MD)No.6942 of 2020

S.Palaniyandi

... Petitioner

Vs.

1. The Registrar of Co Operative Societies,
No.170, EVR Periyar Salai,
Kilpauk,
Chennai- 600 010.
2. The Joint Registrar of Co-operative Societies,
Thoothukudi Region,
No.39, T.T.R.Naidu Street.,
Thoothukudi-628 008.
3. The Managing Director,
Thoothukudi District Central Co-operative Bank,
Head Office, 109/5-D, Ettaiyapuram Road,
Polepettai,
Thoothukudi-628008.
4. R.Dhamodharan,
Manager,
Thoothukkudi District Central Co-operative Bank,
Head Office,
Thoothukudi.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records of 2nd respondent vide proceedings Na.Ka.3053/2016 Tho.Ve.Koo.Sa. dated 23.12.2019 and quash the same as illegal and unconstitutional.

For Petitioner	: Mr.S.Balamurugan
For R-1 & R-2	: Mr.A.Baskaran, Additional Government Pleader
For R-3	: Mr.D.Shanmugaraja Sethupathi
For R-4	: Mr.R.Saravanan

ORDER

This writ petition has been filed challenging the order of the second respondent vide proceedings in Na.Ka.3053/2016 Tho.Ve.Koo.Sa., Dated 23.12.2019.

2. The learned counsel appearing for the petitioner would submit that initially the fourth respondent and the petitioner were appointed as Assistant in the Thoothukudi District Central Cooperative Bank in the year 1994 and both of them were joined duty on 10.12.1994 and 17.12.1994 respectively. Subsequently, they were promoted as Assistant Manager on 19.07.2007 and subsequently, promoted as Manager and in the seniority list, the fourth respondent was fixed in Serial No.1 and the petitioner was fixed in Serial No.2. While so, the Post of Assistant General Manager fell vacant. For which, based



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on the educational qualification, the petitioner was given promotion.

Challenging the same, the fourth respondent has filed a writ petition in W.P(MD)No.18456 of 2019, wherein this Court vide order, dated 03.09.2019, directed to consider the representation of the fourth respondent, pursuant to the said order, the promotion given to the petitioner was suspended vide the impugned order, which is not sustainable. Hence, challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. Per contra, the learned standing counsel appearing for the third respondent would submit that during the pendency of this writ petition, the fourth respondent was promoted as Assistant General Manager by the Elected Board and the same was not challenged by the petitioner and accordingly, prayed for dismissal of this writ petition.

4. Heard the learned counsel appearing on either side and perused the materials produced before this Court.

5. Admittedly, the petitioner was initially given promotion to the Post of Assistant General Manager by the Managing Director, when the elected Board was not in existence. Subsequently, the promotion given to the petitioner by



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the incompetent authority in the absence of Elected Board, was suspended vide the impugned order, which is perfectly in order and therefore, this Court is not inclined to interfere with the same. Further, during the pendency of this writ petition, the Elected Board, has appointed the fourth respondent as Assistant General Manager.

6. In the result, this writ petition is dismissed.
No Costs. Consequently, connected miscellaneous petition is closed.

7. If at all the petitioner is having any grievance, liberty is granted to the petitioner to work out his remedy in the manner known to law by approaching the Elected Board.

13.12.2022

PM
Index: Yes/No



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M.DHANDAPANI,J.

pm

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