



WEB COPY



W.P.No.22858 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08..09..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.22858 of 2023
and
W.M.P.No.22334 of 2023

D.Dheepan Sakaravarthi

..... Petitioner

-Versus-

1.The Deputy Registrar,
Office of the Deputy Registrar of
Co-operative Societies,
Kancheepuram.

2.The President,
Chengalpattu Electricity System Employees
K.P.(SPL) 22, Co-operative Thrift & Credit Society Ltd.,
Railway Road, Kancheepuram.

3.The Special Officer,
Chengalpattu Electricity System Employees
K.P.(SPL) 22, Co-operative Thrift & Credit Society Ltd.,
Railway Road, Kancheepuram.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to
issue a Writ of Mandamus directing the 1st respondent to give concurrence to
the letter dated 01.02.2023 given by the 2nd respondent within a time frame.



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For Petitioner : Mr.K.Venkateswaran
For Respondent (s) : Mr.P.Baladhandayutham,
Spl. Government Pleader
for R1
M/s.K.Surendran and
A.Malesnath for Rr2 & 3

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the 1st respondent to give concurrence to the letter dated 01.02.2023 given by the 2nd respondent within a time frame.

2. It is the case of the petitioner that he was appointed as Office Assistant in the office of the 2nd respondent in 2013. He was appointed as such on a temporary basis as he was qualified in computer application and operation. He had been working as a full time employee for eight years. He was absorbed as full time employee on 20.12.2021 and a resolution was also passed to appoint him as Office Assistant in the pay scale of Rs.11,000 – 34700/-. The 2nd respondent has also sent a proposal dated 01.02.2023 to the 1st respondent seeking regularisation of the service of the petitioner in the post of Office Assistant. That was not considered. Hence, this writ petition.

3. Heard both sides and also perused the records carefully.



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4. The learned counsel for the respondents 2 and 3 placing reliance on the photocopy of the communications dated 17.02.2023 and 27.03.2023 would submit that the proposal sent by the 2nd respondent had been considered and orders had been passed declining to accept the recommendations of the 2nd respondent. Therefore, according to him, the writ petition seeking mandamus for regularization of his service is not maintainable.

5. The learned counsel for the petitioner is not disputing this factual position.

6. As rightly pointed out by the learned counsel for the respondents 2 and 3, once the proposal submitted by the 2nd respondent had been rejected by the 1st respondent, the petitioner could not seek a positive direction to the 1st respondent in the nature of mandamus.

In the light of the above discussions, this writ petition is dismissed, however, with the above observations. No costs.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To

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N.SATHISH KUMAR.J.,

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