



W.P.No.8101 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.8101 of 2017

N.Muruganantham

... Petitioner

Vs.

1. The Registrar of Cooperative Societies,
Cooperative Department,
Puducherry.
2. The Deputy Registrar of Cooperative Societies,
Cooperative Department,
Karaikal.
3. The President,
Karaikal Cooperative Building Society,
Karaikkal.
4. The Secretary,
Karaikal Cooperative Building Society,
Karaikkal.

... Respondents



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(R4 impleaded as per Order dated 26.07.2017 by SMSJ in WMP.No.17453/2017 in WP.No.8101/2017)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Manager considering the petitioners seniority and the petitioners representation dated 16.2.2017.

For Petitioner : Mrs.R.Hemalaltha

For Respondents : Dr.B.Ramasamy,
Additional Government Pleader (Puducherry)
for R1 to R3

Mr.R.Sunil Kumar for R4

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to promote the petitioner as Manager considering the petitioners seniority and the petitioners representation dated 16.2.2017.

2.It is the case of the petitioner that the petitioner was appointed as a



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Junior Clerk in the 3rd respondent Co-operative Society on 15.06.1990. Due to the petitioner's sincere service to the Co-operative Society, the petitioner was eventually promoted as Senior Clerk with effect from 21.6.2001. Due to ill-health, the petitioner was unable to attend office for a few continuous days. The 3rd respondent decided to take disciplinary action against the petitioner for his unauthorized absence. A domestic enquiry was conducted and the Enquiry Officer held the charges proved and the Board dismissed the petitioner from service. Aggrieved by the order of the Board, the petitioner raised an Industrial Dispute before the Labour Court, Karaikal in I.D.No.5/2008.

3.However, the 3rd respondent society taking note of the petitioner's long and unblemished service decided to reinstate him Accordingly, the Industrial Dispute was referred to the Lok Adalat for amicable settlement. The same was settled and a decree dated 27.04.2009 was passed based on the compromise memo between the parties and the petitioner was ordered to be reinstated in the same capacity with continuity of service as a Senior clerk



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in the 3rd respondent society. The petitioner is continuing in service and the respondent ought to have placed the petitioner immediately above his junior. Since the respondent has not placed the petitioner in the right position, the petitioner is continuing as Senior clerk even after 10 years. The petitioner has sent a representation dated 16.2.2017 requesting the respondent to consider the petitioner long pending promotion but the same was not considered. Hence, this Writ Petition.

4.The learned Additional Government Pleader (Puducherry) for the respondents would submit that the petitioner has been given continuity of service and if a period of eight weeks time is granted, the respondents would consider the representation of the petitioner and pass appropriate orders.

Considering the submission of the learned counsel for the respondents, the respondents are directed to consider the representation of



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the petitioner dated 16.02.20217 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order. No costs.

06.11.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

To

1. The Registrar of Cooperative Societies,
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Puducherry.
2. The Deputy Registrar of Cooperative Societies,
Cooperative Department,
Karaikal.
3. The President,
Karaikal Cooperative Building Society,
Karaikkal.

V.BHAVANI SUBBAROYAN, J,



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4. The Secretary,
Karaikal Cooperative Building Society,
Karaikkal.

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