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W.P.No.27155 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27155 of 2023

K.Prema

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
EVR Maligai, Kilpauk,
Chennai – 600 010.

2.The Joint Registrar of Co-operative Societies,
Chengalpattu District.

3.The Executive Officer,
G-1686, Singaperumal Koil Town Co-operative
Thrift and Credit Society Ltd.,
Chengalpattu District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd respondent to promote the petitioner as Junior Assistant as per the 1st respondent's Circular No.33/2022/Sana.1, dated 29.12.2022.

For Petitioner : Mr.R.Karunakaran

For R1 and R2 : Mr.P.Balathandayutham
Special Government Pleader

For R3 : Ms.P.Aishwarya
Government Advocate



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W.P.No.27155 of 2023

ORDER

This writ petition has been filed to direct the 2nd respondent to promote the petitioner as Junior Assistant as per the 1st respondent's Circular No.33/2022/Sana.1, dated 29.12.2022.

2.The petitioner states that she joined as Sales Woman in the respondent Society on 28.01.2013. It is the case of the petitioner that, as per Circular of the 1st respondent bearing No.33/2022/Sana.1, dated 29.12.2022, the Salesmen and Packers who have completed 3 years and have requisite qualification are eligible for promotion. It is the grievance of the petitioner that, though the petitioner is fully qualified and eligible for promotion, she has not been considered for promotion. Therefore, the petitioner submitted representations dated 17.06.2023 and 17.07.2023 in this regard. Since the same did not evoke any response, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner, Mr.P.Baladhandayutham, learned Special Government Pleader, who takes notice for the respondents 1 and 2 and Ms.P.Aishwarya, learned



W.P.No.27155 of 2023

Government Advocate, who takes notice for the 3rd respondent.

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4.This Court is of the view that, as a matter of right, no person can seek promotion. It is the prerogative of the employer. Even a person whose name is included in the promotion panel will not get promoted automatically, since promotion has to be given considering various other aspects also. In such view of the matter, this Court is not inclined to issue any positive directions to the respondents to promote the petitioner.

5.However, this Court had an occasion to deal with a similar issue earlier in ***W.P.No.3972 of 2023 [Tamil Nadu Government Ration Shop Employees Union v. State Government and others]***, wherein, this Court, by order dated 13.02.2023, has held as follows :

“9.In the light of the above, the apprehension raised by the petitioner Union has been sufficiently answered by the learned Advocate General appearing on behalf of the respondents. It is very clear that the promotion to the existing Salesmen/Packers will be first taken up and on completion of the same, the other vacancies will be filled up from persons from whom application is invited, through direct recruitment.”



W.P.No.27155 of 2023

WEB COPY

6.In such view of the matter, there shall be a direction to the respondents to strictly follow the procedure already observed by this Court in the earlier order in *W.P.No.3972 of 2023, dated 13.02.2023*, in the matter of promotion. With this direction, this writ petition is disposed of. No costs.

15.09.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

- 1.The Registrar of Co-operative Societies,
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Chennai – 600 010.
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WEB COPY



W.P.No.27155 of 2023

N. SATHISH KUMAR, J.
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W.P.No.27155 of 2023

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