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W.P.No.29442 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

WP No.29442 of 2023

R.Annadurai

.... Petitioner

-Vs-

1. The Joint Registrar of Co-operative Societies,
Thiruvannamalai, Thiruvannamalai District.

2. The Management of H.H.538, Desur Primary
Agricultural Co-operative Credit Society,
Rep. by its President, Desur, Vandavasi Taluk,
Thiruvannamalai District.

.... Respondents

Prayer :- Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the representation date 16.08.2023 made by the petitioner herein and pass appropriate orders within stipulated time period.

For Petitioner : Mr.Thanya Meshak
for Mr.T.Sundaravadanam

For Respondents : Mr.M.Bindran
Additional Government Pleader for R1
Mr.P.Harish



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Government Advocate for R2

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation made by the petitioner on 16.08.2023, wherein the petitioner has requested the respondent to set-aside the promotion order given to the co-employee.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

3. The case of the petitioner is that he was appointed as Salesman on 26.09.1998 at Ariyampondi PDS shop and received a sum of Rs.900/- and thereafter, continued till 30.05.2016. Thereafter, he was promoted as Junior Clerk /Cashier/Fertilizer Salesman in the 2nd respondent society on 30.05.2016 without paying the increased salary, as per the promoted post. He was also given the additional charge of



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Secretary from 31.03.2017 onwards till the date of suspension on 20.02.2021. All of a sudden on 19.02.2021, an FIR came to be registered by the Vigilance and Anti corruption, Thiruvannamalai against the petitioner for the alleged demand of bribe for a sum of Rs.5,000/- from one Sridevi. One Annamalai is the notorious member of the 2nd respondent society has pressurized the petitioner to sanction illegal loan when already existing loan for his land is under debt and further he induced one Sridevi to make false complaint for the said demand. Even though, the same was not proved and no arrest was made, the petitioner was suspended from service on 20.02.2021 by the 2nd respondent society. Aggrieved by the suspension order, the petitioner made a representation dated 22.04.2021 and 29.09.2021 to the 1st respondent to revoke the suspension order and re-instate the petitioner back into service. Since the same did not evoke any response, the petitioner filed WP No.7739 2022 before this Court. This Court vide order dated 01.04.2022 had directed the respondents to consider the representation and pass orders in accordance with law within a period of eight weeks, from the date of receipt of a copy of that order.



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4. Based on the order passed by this Court, the 2nd respondent society had reinstated the petitioner into service on 26.05.2022 and assigned to look after ration shop salesman work at Paruvathapondi and Ariyampondi. That being so, the next promotion to the post of Junior Clerk was given to Co-employee one K.Shankar, who was working as Ration shop salesman. Since the petitioner is eligible for the said promotion and he was not afforded an opportunity of promotion, he made a representation to the 2nd respondent society to set-aside the promotion order given to K.Shankar and place the petitioner in the promotional post, as per seniority. Since the same was not considered, the present writ petition has been filed before this Court, seeking for appropriate directions.

5. The learned Government Advocate appearing on behalf of the 2nd respondent submitted that since the corruption case is pending against the petitioner and the enquiry is still pending in the case, the petitioner is not eligible for the promotion and therefore, prays this



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Court to dismiss this writ petition.

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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate, the 2nd respondent is directed to consider the representation made by the petitioner on 16.08.2023 and deal with the same on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

7. This writ petition is disposed of with the above directions. No costs.

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V.BHAVANI SUBBAROYAN.,J

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To

1. The Joint Registrar of Co-operative Societies,
Thiruvannamalai, Thiruvannamalai District.
2. The Management of H.H.538, Desur Primary
Agricultural Co-operative Credit Society,
Rep. by its President, Desur, Vandavasi Taluk,
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