



W.P.(MD).No.16388 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.16388 of 2023

K.Sankaran

... Petitioner

Vs.

1.The Registrar of Co-Operative Societies,
170, Periyar EvR Highways,
Kilpauk,
Chennai - 600 010.

2.The Regional Joint Registrar
(Co-Operative Societies),
Kanyakumari Region,
Nagercoil,
Kanyakumari District

3.The Deputy Registrar (Co-Operative Societies),
Nagercoil 629 001
Kanyakumari District.

4.The Managing Director,
Kanyakumari District Central Cooperative
Bank Limited,
Nagercoil 629 001
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 22.04.2022 seeking

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for his service benefits such as promotions on par with his juniors, revision of pay, regularisation of the service during punishment period with all other attendant benefits.

For Petitioner : Mr.K.Ragatheesh Kumar

For RR 1 to 3 : Mr.P.Thambidurai
Government Advocate

For R – 4 : Mr.Xavier Rajini

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 22.04.2022, seeking for his service benefits such as promotions on par with his juniors, revision of pay, regularization of the service during punishment period with all other attendant benefits.

2.The petitioner was initially appointed as Peon / Night Watchman, which is otherwise called as sub-staff, in the Kanyakumari Central Co-operative Bank Limited, Nagercoil on 05.01.1988 and thereafter, he was posted at Marthandam Branch. Further, he was promoted as Junior Assistant with effect from 29.02.1996 and posted



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at the Head Office viz., Kanyakumari District Co-operative Bank Limited, Nagercoil. While so, the Special Officer, on 11.06.2001, dismissed the petitioner from service. Aggrieved by the order of dismissal, a statutory appeal was preferred by the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act. Since there was no response, the petitioner filed a Writ Petition in W.P.No.20073 of 2011 challenging the order of dismissal, however, the Writ Petition came to be dismissed on 19.10.2001. As against the same, W.A.No. 2776 of 2001 was filed by the petitioner and the same was disposed on 17.01.2002, with a direction to the Appellate Authority to dispose of the appeal within a period of two months. The Appellate Authority, on 25.04.2005, modified the punishment of dismissal from services as the reduction in rank as sub-staff. Thereafter, the petitioner was permitted to join duty on 31.08.2005 and he was continuously serving in the said post without any promotion till now.

3.In the meanwhile, the Bank also initiated surcharge proceedings against the petitioner under Section 87 of the Tamil Nadu Co-operative Societies Act and by order, dated 29.04.2004, the unrecovered amount of Rs.4,22,142/- was directed to be recovered from the petitioner and another. Challenging the same, the petitioner



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preferred C.M.A(CS)No.47 of 2004 before the Tribunal cum Principal District Judge, Kanyakumari District, which was dismissed by Judgment and Decree, dated 06.08.2018. Against which, the petitioner preferred C.R.P(MD)No.2486 of 2018 and the same was allowed by order, dated 11.08.2021. As against the same, the Bank preferred Rev.Appl.No.87 of 2022 and the same is pending without any interim order. In the meanwhile, the petitioner submitted a representation dated 25.01.2021 to the Chief Minister's Special Cell and the same was forwarded to the office of the Joint Registrar, who in turn vide proceedings in Na.Ka.No.61220/2021/Ma.Va.Pa.2, dated 03.01.2022 directed the Managing Director to submit the details with regard to the petitioner's claim and accordingly, the petitioner submitted a detailed representation to the Managing Director on 22.04.2022, seeking for the above claims. There was no response. Hence, this Writ Petition came to be filed.

4.Mr.Xavier Rajini, learned counsel appearing for the fourth respondent, fairly submitted that the representation of the petitioner will be considered within a period of three months in accordance with the relevant Rules and Laws.



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5.Heard the learned counsel appearing for the petitioner, Mr.P.Thambidurai, learned Government Advocate appearing for the respondents 1 to 3 and Mr.Xavier Rajini, learned counsel appearing for the fourth respondent.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is likely to retire within a period of 10 months, the fourth respondent is directed to consider the representation of the petitioner, dated 22.04.2022 seeking for his service benefits such as promotions on par with his juniors, revision of pay, regularization of the service during punishment period with all other attendant benefits, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of.
There shall be no order as to costs.

06.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

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