



W.P.(MD).No.16708 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16708 of 2023

Chandrasekaran

... Petitioner

Vs.

1.The Deputy Registrar,
Deputy Registrar of Commodity Co-operative Society,
Samyappa Co-operative Complex Taluk,
Thanjavur District.

2.The Chairman / Secretary,
Venkatasamtram Primary Agricultural,
Primary Agricultural Co-operative
Credit Society,
Kandamanagalam.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give promotion to the petitioner by considering the representation of the petitioner dated 08.06.2023.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.M.Prakash
Additional Government Pleader



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ORDER

The present writ petition has been filed seeking direction to the respondents to give promotion to the petitioner by considering the representation of the petitioner, dated 08.06.2023.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was originally appointed as an attender in the second respondent Society on 15.03.1989. Thereafter, he is continuously working for the past 34 years. Due to disparity in fixation of salary and allotment works for a Society, a problem arose and the same was subsequently settled and the 12(3) settlement was made between the parties. The next avenue of promotion for the petitioner is to the post of Clerk. The said post is to be filled by way of promotion. The petitioner is the senior most person and his name is in Serial No.1 in the seniority list and he is entitled to be promoted to the promotional post. Whatever educational requirement is required, the petitioner is qualified with the needed qualification.



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4. The learned Counsel for the petitioner submitted that the petitioner is the only person having the required qualification for the promotional post. In addition to that, the petitioner is in Serial No.1 in the seniority list. Since he is eligible for promotion, he submitted a detailed representation dated 08.06.2023 to the respondents. However, the same was not considered so far. Hence, the present Writ Petition has been filed.

5. The learned Additional Government Pleader appearing for the respondents submitted that the representation would be considered in accordance with law.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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7. It is made clear that without going into the merits of this case, the second respondent is directed to give promotion to the petitioner by considering the representation of the petitioner, dated 08.06.2023 within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above said observation, this Writ Petition stands disposed of.
There shall be no order as to costs.

12.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
BTR

To

1. The Deputy Registrar,
Deputy Registrar of Commodity Co-operative Society,
Samyappa Co-operative Complex Taluk,
Thanjavur District.

2. The Chairman / Secretary,
Venkatasamtram Primary Agricultural,
Primary Agricultural Co-operative
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L.VICTORIA GOWRI, J.

BTR

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