



W.P.(MD).No.21162 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21162 of 2023

J.Augustine John

... Petitioner

Vs.

1.The Principal Secretary to Government,
Cooperation, Food and
Consumer Protection Department,
Secretariat,
Chennai-9.

2.The Registrar of Co-operative Societies,
170, N V Natrajan Maligai,
Kilpauk, Chennai-10.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pass orders in the appeal preferred by the petitioner, dated 11.10.2022 seeking to include the petitioner's name in the panel of Co-operative Sub Registrar fit for promotion by recruitment by transfer for the year 2020-2021 to the post of Deputy Registrar of Co-operative Societies and consequently direct the respondents to promote the petitioner in the same year by placing himself above his junior.

For Petitioner : Mr.M.E.Ilango



WEB COPY



W.P.(MD).No.21162 of 2023

For Respondents : Mr.P.Thambi Durai
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondent to pass orders in the appeal preferred by the petitioner, dated 11.10.2022 seeking to include the petitioner's name in the panel of Co-operative Sub Registrar fit for promotion by recruitment by transfer for the year 2020-2021 to the post of Deputy Registrar of Co-operative Societies and consequently direct the respondents to promote the petitioner in the same year by placing himself above his junior.

2. The petitioner was initially appointed as Junior Inspector of Co-operative Societies in the year 1985. Thereafter, he was promoted as Senior Inspector of Co-operative Societies in the year 2000 and then promoted as Co-operative Sub Registrar in the year 2011. The petitioner was granted selection grade in the post of Sub Registrar in the year 2021. On attaining the age of superannuation, he retired on 31.05.2023. The 2nd respondent by his proceedings, dated 20.10.2021 had called upon seniority list of Co-operative



W.P.(MD).No.21162 of 2023

Sub Registrar fit for promotion to the post of Deputy Registrar of Co-operative Societies from the Joint Registrar of Co-operative Societies, Tirunelveli. In the aforesaid proceedings, it was proposed to consider the Co-operative Sub Registrar in the establishment as on 01.01.2019 and pursuant to the same, the Registrar of Co-operative Societies on 13.04.2022 had increased the seniority numbers from 368 to 473, of which, the petitioner was ranked as 409. Hence, the petitioner would come within the zone of consideration as per the aforesaid proceedings of the Registrar of Co-operative Societies. In the meanwhile, he was given proforma, dated 28.04.2022 stating that a criminal case is pending against him on the file of the Judicial Magistrate No.II, Tirunelveli (CCIW).

3. The respondents by G.O(3D)No.5, dated 16.08.2022 has chosen to promote 82 Co-operative Sub Registrar as Deputy Registrar of Co-operative Societies and deferred promotions in respect of 25 Co-operative Sub Registrars, of which, the petitioner was also one person, due to pendency of criminal case/departmental proceedings/ surcharge proceedings. He made an appeal before the 1st respondent, dated 11.10.2022 to consider his promotion. However, the same was not considered.



W.P.(MD).No.21162 of 2023

WEB COPY

4. 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.

5. Without going into the merits of the case, this Court hereby directs the respondents to consider the petitioner's appeal, dated 11.10.2022 within a period of twelve (12) weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

30.08.2023

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

gbg



WEB COPY

To

1. The Principal Secretary to Government,
Cooperation, Food and
Consumer Protection Department,
Secretariat,
Chennai-9.
2. The Registrar of Co-operative Societies,
170, N V Natrajan Maligai,
Kilpauk, Chennai-10.



W.P.(MD).No.21162 of 2023



WEB COPY



W.P.(MD).No.21162 of 2023

L.VICTORIA GOWRI, J.

gbg

W.P.(MD).No.21162 of 2023

30.08.2023