



W.P.(MD).No.25068 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25068 of 2023

and

W.M.P(MD) No.21261 of 2023

K.Nagalingam

... Petitioner

Vs.

1. The Registrar of Cooperative Societies,
Office of the Registrar of Co-operative Societies,
170, E.V.R High Road,
Kilpauk, Chennai – 10.
2. The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
District Collectorate Complex,
Theni.
3. The Circle Deputy Registrar of Co-operative Societies,
Uthamapalayam,
Theni District.
4. The Administrator,
DD 136 Dombucherri Primary Agricultural
Co-operative Credit Society,
Dombucherri,
Bodinaickanur Taluk,
Theni District.
5. D.Karthiga Devi

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 2 and 3 to consider the representation of the Union dated 19.09.2023 and to direct the respondents 1 to 4 to grant promotion to the petitioner to the post of attender as per the orders passed by this Court in W.P.No.3972 of 2023, dated 13.02.2023 and as per the recommendations of the Field Officer and the resolution of the board of management, dated 18.04.2023 forwarded to the respondents 2 and 3 recommending the petitioner for promotion to the post of Attender.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.J.Ashok
Additional Government Pleader
For R1 to R4

: Mr.A.K.Baskarapandian – for R5

ORDER

The present Writ Petition has been filed by a Salesman working in the fourth respondent Agricultural Co-operative Credit Society seeking a mandamus to direct the respondents 2 and 3 to consider the representation of the Union, dated 19.09.2023 and to direct the respondents 1 to 4 to grant promotion to the petitioner to the post of Attender on the basis of the orders passed by this Court in W.P.No.3972 of 2023, dated 13.02.2023.



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2. According to the learned counsel appearing for the writ petitioner, the writ petitioner is working as a Salesman in the said Co-operative Society and there is a vacancy for the post of Attender and his name has already been recommended by the Board of Management to the respondents 2 and 3 herein on 18.04.2023. However, attempts are being made to appoint the fifth respondent to the said post of Attender on compassionate ground overlooking the recommendation made by the Board of Management on 18.04.2023. Hence, he has filed the present writ petition.

3. The learned counsel appearing for the fifth respondent herein brings to the notice of this Court that the fifth respondent had filed W.P(MD) No. 16121 of 2023, wherein, she has sought appointment on compassionate grounds on the ground that her father who was a Secretary in the said Co-operative Society had passed away on 22.05.2016 and she had made an application for appointment to a suitable post on 14.02.2017. Since her request was not considered for a period of seven years, she had filed the said writ petition. In the said writ petition, the present writ petitioner had filed W.M.P (MD) No.15683 of 2023 to implead himself. However, the said



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impleading application has been dismissed and the learned Single Judge had proceeded to pass an order directing the Society to consider the request of the fifth respondent herein seeking appointment on compassionate ground within a period of twelve weeks from the date of receipt of a copy of this order and provide employment to the petitioner under compassionate ground in a suitable post in the said Society.

4. In view of the order passed by this Court in W.P(MD) No.16121 of 2023, the present writ petitioner apprehends that his aspiration to be promoted to the post of Attender would be affected and the fifth respondent is likely to be appointed through direct recruitment to the said post.

5. The petitioner has further relied upon the judgment of our High Court in W.P(MD) No.3972 of 2023, dated 13.02.2023 to the effect that he is entitled to be promoted.

6. However, the learned Additional Government Pleader appearing for the official respondents pointed out that the said writ petitions were filed by the packers seeking promotion to the post of Salesman. On the other hand, the



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petitioner who has already a Salesman cannot take advantage of the order passed by this Court.

7. Heard both sides.

8. The issue relating to the entitlement of the writ petitioner with regard to the promotion cannot be decided in the writ petition. It is for the fourth respondent to decide the entitlement of the writ petitioner to get promoted to the post of Attender. This Court, by an order, dated 30.08.2023 in W.P(MD) No.16121 of 2023 has already issued a direction to the fourth respondent to consider the case of the fifth respondent herein to be appointed to any suitable post.

9. Therefore, the entire issue is now in the hands of the fourth respondent, namely, the Administrator of the Society to decide whether to promote the writ petitioner to the post of Attender or to appoint the fifth respondent herein to the post of Attender or to any other suitable post in the Co-operative Society.



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10. Therefore, the petitioner would not be entitled to seek for a mandamus for a promotion to the post of Attender. It is settled position of law that, an employee has no right to seek promotion but only a right to be considered for promotion.

11. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

01.11.2023

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