



WEB COPY



W.P. No.23567 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.23567/2015,M.P.Nos.1 & 2/2015 & W.M.P.No.31254/2016

V.P.R. Baskaran

Petitioner

v

- 1 The Secretary
Food, Cooperation & Consumer Protection Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The Registrar of Cooperative Societies
170 EVR Periar Salai
Kilpauk
Chennai 600 010
- 3 Chennai Central Cooperative Bank
represented by the Managing Director
No.215, Prakasam Salai
Chennai 600 104

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the second respondent in No.45/2009 RC 107047/2009 CBS 1 dated 22.12.2009 and to quash the same and consequently, direct the third respondent to grant notional promotion as Manager to the petitioner from the date from which he was eligible, together with all attendant benefits following the existing bylaws of the bank.

For petitioner

Mr. S. Mohan

For RR 1 & 2

Mr. Abishek Murthy

Govt. Advocate

For R3

Mr. Arunkasi for Mr. B. Gandhi



W.P. No.23567 of 2015

ORDER

This writ petition is filed challenging the circular dated 22.12.2009 of the second respondent whereby all the District Central Cooperative Banks have been requested to amend the special bylaws relating to service conditions with regard to appointment to the post of Manager as under:

“Manager : *By promotion and direct
recruitment in the ratio of 3:1*”

2. It was submitted by the learned counsel for the petitioner that prior to the impugned circular, the mode of appointment to the post of Manager was only by way of promotion.

3. On the last date of hearing, the learned counsel for the third respondent took time to get instructions as to whether the bylaws have been amended as required in the impugned circular.

4. Today, on instructions, it was submitted by the learned counsel for the third respondent that the third respondent has not yet carried out the amendment as directed by the second respondent.



W.P. No.23567 of 2015

5. In view thereof, it is not disputed that the position which existed earlier viz., the mode of appointing Manager by way of promotion, still continues.

6. Such being the case, the learned counsel for the petitioner submitted that the petitioner ought to have been promoted much earlier and would request that the petitioner may be granted liberty to make a representation with regard to his notional promotion (since he has retired on attaining the age of superannuation) in terms of mode of appointment as it existed earlier, to which the learned counsel for the third respondent also acceded to.

7. Recording the aforesaid submission of the learned counsel for the third respondent, the petitioner is granted liberty to submit a representation regarding his entitlement to notional promotion to the post of Manager inasmuch as he has retired on attaining the age of superannuation. Such representation shall be made within a period of four weeks from the date of receipt of a copy of this order and if the petitioner is found otherwise eligible, the same shall be considered and orders passed within a period of eight weeks thereafter granting notional promotion and also any other consequential benefits to the petitioner.



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W.P. No.23567 of 2015

MOHAMMED SHAFFIQ, J.

cad

With the above direction, this writ petition stands disposed of. No costs. Connected miscellaneous petitions and writ miscellaneous petition stand closed.

29.07.2024

cad

To

1. The Secretary
Food, Cooperation & Consumer Protection Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
2. The Registrar of Cooperative Societies
170 EVR Periar Salai
Kilpauk
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3. The Managing Director
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W.P. No.23567 of 2015