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W.P.Nos.11857 & 11861 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.11857 & 11861 of 2020
and W.M.P.Nos.19583 & 19584 of 2020

C.Elangovan ... Petitioner in W.P.No.11857/2020
K.Subramani ... Petitioner in W.P.No.11861/2020

/vs/

1. The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai – 600 010.
2. The Managing Director,
Tamil Nadu Cooperative Union,
N.V.Natarajan Maligai,
No.170, Periyar EVR High Road,
Kilpauk, Chennai – 10. ... Respondents in both W.P's.

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondent to promote the petitioner as Assistant Director retrospectively in terms of the Registrar of Cooperative Societies Viz., the first respondent herein Circulars dated



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23.05.2012 and 10.04.2020 with all attendant benefits and consequential benefits.

For Petitioners ... Mr.V.Vijay Shankar
(in both W.P's.)

For Respondents ... Mr.M.Geetha Thamarai Selvan
(in both W.P's.) Special Government Pleader for R1

Mr.P.Ravishankar Rao
for Mr.M.R.Raghavan for R2

COMMON ORDER

Heard Mr.V.Vijay Shankar, the learned counsel for the petitionerS and Mrs.M.Geetha Thamarai Selvan, the learned Special Government Pleader, for the first respondent and Mr.P.Ravishankar Rao, the learned counsel for the second respondent.

2.The petitioners have filed these Writ Petitions to direct the respondents to promote them as Assistant Director with all attendant and consequential benefits.

3. The petitioners have joined the service as “Assistant Training Officer” in Tamil Nadu Cooperative Union in the year 1992 and continued



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to work in the said cadre till date without any promotion. The petitioners' next scope for promotion can be to the post of “Assistant Director”. As per the by-laws of the second respondent cooperative society, the eligibility of feeder category for getting promoted to the post of “Assistant Director” would be either Cooperative Development Officer / Private Secretary / Superintendent.

4. Mr.V.Vijay Shankar, the learned counsel for the petitioners, submitted that there are totally 17 Assistant Director Posts and all remain vacant; on 10.04.2020 an order has been given by the Registrar of Co-operative Societies vide R.C.No.23450/2012/ PMCT 1, by re-designating the post of “Junior Training Officer” as “Senior Assistant” and “Assistant Training Officer” as “Superintendent”; this is in view of the amalgamation of cadre of the “Junior Assistant” and “Senior Assistant” with that of “Junior Training Officer” and “Assistant Training Officer”; the petitioners are the senior most Superintendent as they have joined the service in the year 1992 and they are eligible to be promoted to the post of “Assistant Director”; a representation has been given by the petitioners in this regard and so far no order has been passed.



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5. The one and only objection raised by the respondents is that the petitioners do not have the qualification because they have not been appointed to the post of “Superintendent”. It is the contention of the respondents that unless the petitioners are appointed as “Superintendent” in Feeder Category, they are not entitled to be promoted to the post of “Assistant Director”.

6. There is no dispute that the petitioners have been appointed as “Assistant Training Officer” at the time of their initial appointment. As per the order dated 10.04.2020 of the first respondent, the post of “Assistant Training Officer” has been changed after amalgamation of several cadres as “Senior Assistant” and with effect from issuance of the said proceedings, the post of “Senior Assistant” has also been revised to the post of “Superintendent”. In such case, the respondents cannot say that the petitioners have not been appointed in the post of “Superintendent”. By re-designation the petitioners are to be considered as 'Superintendent' and hence they can also be considered for promotion to the post of “Assistant Director”.



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7. Since the petitioners' representation has not been considered and they have been stagnating for at least three decades without any promotion, the respondents are directed to consider the representation of the petitioners positively and pass orders by taking into account of all other factors including the existing vacancies and also the re-designation of the post of “Assistant Training Officer” as “Superintendent”, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, these Writ Petitions are disposed. No costs.

27.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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R.N.MANJULA ,J.

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To:

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