



W.P.No.38055 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

CORAM:

THE HONOURABLE Dr. JUSTICE. D.NAGARJUN

W.P.No.38055 of 2016

R.Krishnamoorthy (Died)

2. Meera
3. Kannammal
4. Arjun
5. Jayanthi

(P2 to P6 substituted as LR's of deceased
sole petitioner vide order dated 26.09.2022
made in W.M.P.No.20952/2022 in
W.P.No.38055/2016 by SMSJ)

..Petitioners

Vs.

1.The Joint Registrar of Co-operative Societies,
Tiruvannamalai Region,
Tiruvannamalai District.

2.The President,
H.H.546, Radhapuram Primary Agricultural
Co-operative Credit Society Ltd.,
Radhapuram Village and Post,
Thandrapattu Taluk,
Tiruvannamalai District.

3.R.Sekar

..Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to implement the order in review petition No.01/2014/sa.pa dated 30.04.2014.

For Petitioners : Mr. M.S.Palaniswamy
For Respondents : Mr.S.Ravi Kumar for R1
Special Government Pleader
Mr.L.P.Shanmugasundaram for R2
Mr.C.Prakasam for R3

ORDER

This writ petition has been filed to direct the respondents 1 and 2 to implement the order in Review Petition No.01/2014/sa.pa dated 30.04.2014.

2. It is submitted by the learned counsel for the petitioners that the 1st petitioner/R.Krishnamoorthy was originally appointed as Salesman on 11.04.1988 by the 2nd respondent society and his services were regularised from 12.03.2001. The post of Junior Assistant/Junior Clerk in the 2nd respondent society fell vacant and the 1st petitioner who is the senior most to that post, requested for promoting him to the said post of Junior Assistant. However, the 2nd respondent society passed a resolution on 16.05.2013 and



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promoted the 3rd respondent as Junior Assistant against the Tamilnadu Co-operative Societies Rules. He further submitted that the 3rd respondent is not only a junior but he also committed misconduct and was suspended from service for irregularities from 16.12.1997 and dismissed from service on 23.01.1999. Thereafter, the 3rd respondent was reinstated into service on 08.07.2002 vide proceedings dated 29.06.2022. Knowing the fact that the 3rd respondent suffered a punishment for irregularities, the 2nd respondent promoted him to the higher post on 16.05.2013 against the Tamilnadu Co-operative Societies Rules and Bye-laws of the society.

(ii). Aggrieved by the same, the 1st petitioner had filed a Review Petition under Section 154 of the Tamilnadu Co-operative Societies Act and after considering his case, the 1st respondent passed an order in Review Petition No.1/2014/sa.pa dated 30.04.2014 by setting aside the order of promotion by way of resolution passed by the 2nd respondent dated 16.05.2013 and also directed the 2nd respondent to promote the 1st petitioner as Junior Clerk within a period of one(1) week from the date of the order. Even then, the 2nd respondent Society has not implemented the said order. He further submitted that the 1st petitioner is entitled for the pay from the



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order dated 30.01.2014 till the date of his death ie., on 23.11.2021. Hence, the present writ petition has been filed to implement the order passed in review petition No.01/2014/sa.pa dated 30.04.2014.

3. In the course of hearing, the learned counsel appearing for the first respondent had filed a position note in this writ petition.

4. The learned Special Government Pleader appearing for the 1st respondent had filed a letter dated 13.02.2024 signed by the Cooperative Sub Registrar/Administrator and the same reads as under:

“I humbly submit that I hereby implement the order of Joint Registrar of Cooperative Societies, Tiruvannamalai review Petitions RC No.01/2014/sa.pa dated 30.04.2014 by giving notional effect in promotion to Thiru Krishnamoorthy.

And upon implementing above order notional to Krishnamoorthy the position of Sekar doesn't get disturbed and he wont be reverted back to lower post.

Also, I submit that the proceedings for above promotion will be issued within 3 working days.”



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5. On going through the above, it is clear, that the respondents No. 1 and 2 have decided to implement the order passed in Review Petition No.01/2014/sa.pa dated 30.04.2014, accordingly issued proceedings to promote the 1st petitioner within a period of three(3) working days and the same is recorded. Therefore, no further directions can be given in this case.

6. Recording the letter dated 13.02.2024 filed by the respondents no.1 and 2, this writ petition is disposed of, by directing the respondents no.1 and 2 to implement the order passed in Review Petition No.1/2014/sa.pa dated 30.04.2014 and issue proceedings by promoting the first petitioner(R.Krishnamoorthy) and to pay the arrears of pay with all consequential benefits with effect from the order dated 30.01.2014 till the date of his death ie., on 23.11.2021. The said exercise shall be done within a period of three(3) working days from the date of receipt of a copy of this order.

7. As far as fixation of pay is concerned, this Court is not intended to make any comment since the same has to be settled by the 2nd



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respondent Society. Therefore, liberty is granted to the petitioners to file application before the appropriate forum in the manner known to law.

No costs.

13.02.2024

msv

Index:Yes/No

Internet:Yes/No

Speaking order: Non-speaking order

Neutral citation:Yes/No

To

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Tiruvannamali District.

2.The President,
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Dr. D.NAGARJUN,J.

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