



W.P.No.13772 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

CORAM:

THE HONOURABLE Dr. JUSTICE. D.NAGARJUN ,J.

**W.P.No.13772 of 2014
and M.P.No.1 of 2014**

R.Sekar

Vs.

..Petitioner

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

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

3.R.Krishnamoorthy (Died)

4.Meera

5.Kannammal

6. Arjun

7. Jayanthi

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8.Subashini

..Respondents

(R4 to R8 substituted as LR s of deceased third respondent
vide order dt. 26.09.2022 made in
W.M.P.No.21126 of 2022 in W.P.No.13772 of 2014
by SMSJ)

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the entire records pertaining to the impugned order passed by the 1st respondent in his proceedings Review Petition No.01/2014/Sa.Pa (Na.Ka.126/2014/Sa.Pa) dated 30.04.2014 and quash the same.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.S.Ravi Kumar for R1
Special Government Pleader
Mr.L.P.Shanmugasundaram for R2
Mr.S.Palaniswamy for R4 to R8
R3-Died

ORDER

This writ petition has been filed to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings Review Petition No.01/2014/Sa.Pa (Na.Ka.126/2014/Sa.Pa) dated 30.04.2014 and to quash the same.



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2. It is submitted by the learned counsel for the petitioner that the petitioner was appointed as Salesman on 15.12.1992 in the 2nd respondent society through Employment Exchange and appeared before the Selection Committee. However, the 3rd respondent was appointed as salesman on 11.04.1988 with irregular manner, since he was not recruited through Employment Exchange or through District Selection Committee, but he was appointed by the Board of Directors with irregular manner as against the Judgment of the Supreme Court in Umarani case. At the time of joining duty, the 3rd respondent possessed educational qualification of 10th standard fail and not even passed +2 examination for the post of Junior Assistant/Fertilizer Salesman. Even though, the 3rd respondent approached the 1st respondent/Joint Registrar of Co-operative societies and filed a revision petition against his promotion for the post of Junior Assistant/Fertilizer Salesman. The 1st respondent after considering the 3rd respondent's educational qualification, irregular appointment and also the fact that his service has been regularized only in the year 2007 with retrospective effect from the year 2001, rejected the revision petition of the 3rd respondent filed



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under Section 153 of Tamil Nadu Co-operative Societies Act 1983 and passed orders in his proceedings Na.Ka.6361/2013 Sa.Pa.dated 24.10.2013.

(ii). After change over of the said Officer/Joint Registrar of Co-operative societies, the 3rd respondent had again filed another revision petition under Section 154 of Tamil Nadu Co-operative Societies Act 1983 and the 1st respondent without considering the earlier order and the petitioner's educational qualification, method of recruitment and seniority, allowed the review petition No.01/2014/Sa.Pa (Na.Ka.126/2014/Sa.Pa.) dated 30.04.2014 and cancelled the promotion of the petitioner. Aggrieved by the same, the present writ petition has been filed by the petitioner to set aside the order dated 30.04.2014 passed in review petition No.01/2014/Sa.Pa (Na.Ka.126/2014/Sa.Pa.).

3. Learned Special Government Pleader appearing for the 1st respondent/Co-operative Societies had filed a counter affidavit stating that after due consideration of educational qualification and seniority in the cadre of salesman, the review petition of the 3rd respondent was allowed in his



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favour and once the irregular appointment is regularized by the competent authority, his seniority will be considered by the date of his earlier appointment on 11.04.1988. Hence, the impugned proceedings of the 1st respondent does not suffer with any illegality of irregularity.

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 perusal of the above letter, 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 3rd respondent within a period of three(3) working days and upon implementing the above said order, it is also specifically mentioned that the position of the petitioner/Sekar will not get disturbed and he wont be reverted back to the Lower post.

6. Recording the said letter dated 13.02.2024 filed by the respondents no.1 and 2, no further adjudication is necessary in this writ petition. Accordingly, this writ petition is closed. No costs. Consequently connected miscellaneous petition is closed.

13.02.2024

msv

Index:Yes/No

Internet:Yes/No

Speaking order: Non-speaking order

Neutral citation:Yes/No

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To

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