



WEB COPY



W.P.No.20305 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20305 of 2024

M.Selvakumar

...Petitioner

-Vs-

The Dharmapuri Town Co operative Bank,
represented by its Managing Director,
Duraismy Road,
Dharmapuri.

...Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to promote the petitioner as Asst. Manager on par with his colleagues and refix his pay and allowance on par with them with all attendant benefits in terms of his representation dated 04.09.2023.

For Petitioner

: M/s Anibaya.K

For Respondent

: Mrs.Geetha Tamaraiselvan

Special Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondent to promote the petitioner as Asst. Manager on par with his colleagues and refix his pay and allowance on par with them with all attendant benefits in terms of his representation dated 04.09.2023.



W.P.No.20305 of 2024

WEB COPY

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had joined in the service in the respondent Bank as Assistant with effect from 02.01.1991 and he was due for promotion as Assistant Manager after the prescribed period of service in the feeder post of Assistant. While being so, the respondent had initiated surcharge proceedings against several employees under Section 87 of Tamilnadu Co-operative Societies Act. It was challenged before the Tribunal and the same was rejected. Once again, the petitioner and other employees challenged the order passed by the Tribunal before this Court in C.R.P.No.678 of 2022. This Court allowed the C.R.P.No.678 of 2022 by an order dated 21.04.2022 and set aside the surcharge proceedings. In pursuant to the enquiry report, a criminal case was registered which culminated into C.C.No.234 of 2020 on the file of the Judicial Magistrate No.II, Dharmapuri. The entire proceedings was challenged before this Court in Crl.O.P.No.22561 of 2022. This Court, by an order dated 30.08.2023 quashed the entire proceedings in C.C.No.234 of 2020. Therefore, the petitioner submitted a representation, on the ground that he has completed



W.P.No.20305 of 2024

22 years of service and he is not even getting any promotion. The criminal case reached its finality. Thereafter, the petitioner submitted so many representations before the respondent seeking promotion on par with his juniors.

4. Considering the above facts and circumstances, the respondent is directed to consider the petitioner's representations and pass orders, on merits and in accordance with law, in view of the surcharge proceedings and quashment of criminal case against the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

23.07.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

mn



WEB COPY



W.P.No.20305 of 2024

G.K.ILANTHIRAIYAN. J,

mn

To

The Managing Director,
The Dharmapuri Town Co operative Bank,
Duraismy Road,
Dharmapuri.

W.P.No.20305 of 2024

23.07.2024