



W.P.No.27328 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27328 of 2021

Ragupathy

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
Co-operative Department,
Government of Puducherry,
V.V.P.Nagar, Thattanchavadi Post,
Puducherry 605 009.

2.The Puducherry Electricity Employees,
Co-operative Credit Society Limited,
No.P463, Rep by No.139,
Nethaji Subash Chandra Bose Salai,
Vamba Keerapalayam Near Electricity Head Office,
Puducherry 605 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to incorporate the name of the petitioner as the next person to assume the post of the secretary of the second respondent society in consonance with the office order dated 28.01.2013 of the second respondent bearing proceedings No.PEECCS/ESTT/37/2013.



W.P.No.27328 of 2021

WEB COPY

For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.R.Sridhar, AGP (Pondicherry) for R1
Mr.P.Suresh for R2

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the second respondent to incorporate the name of the petitioner as the next person to assume the post of the secretary of the second respondent society in consonance with the office order dated 28.01.2013 of the second respondent bearing proceedings No.PEECCS/ESTT/37/2013.

2. Heard Mr.K.Venkateswaran, learned counsel for the petitioner and Mr.R.Sridhar, learned Additional Government Pleader (Pondicherry) for R1 and Mr.P.Suresh, learned counsel for R2.

3. The petitioner was working as an Attender in the second respondent Society under the order of the first respondent dated



W.P.No.27328 of 2021

12.05.1994. Subsequently, he was promoted as Junior Clerk on 11.09.1999. On 09.06.2007, he was promoted as Senior Clerk. The petitioner's immediate senior Clerk Rajendran expired and hence the petitioner who was his immediate junior has been promoted to the post of Senior Clerk. Later, on his representation, he was promoted as an Accountant.

4. Since the post of Secretary became vacant from August 2022, he gave a representation to the second respondent on 10.06.2021 to consider him for the post of Secretary. But the second respondent without any notification had arbitrarily placed one Vadivel who is the petitioner's junior, above the name of the petitioner in the seniority list vide order dated 01.08.2019. No explanation was given to the petitioner for modifying the seniority. Since the petitioner had attained the age of 53 years and his next level promotion would be the post of Secretary, he has given a representation in the regard on 10.06.2021. But so far it has not been considered. Hence the petitioner is before this Court with the above prayer.



W.P.No.27328 of 2021

5. The learned counsel for the petitioner submitted that the petitioner's junior has been placed above the petitioner in the seniority without any notice and without offering the petitioner any opportunity to make representation in this regard. However, the said order was not the subject matter of challenge. It is probably because the petitioner believes that the office order dated 28.01.2013 which has placed him above Vadivel in the seniority has not been cancelled.

6. Whatever may be the case, the issue raised by the petitioner could be very well raised before the first respondent under Section 84 of the Puducherry Cooperative Societies Act. The petitioner without exhausting the efficacious alternate remedy, has filed this Writ Petition. Hence the contentions raised by the petitioner in this Writ Petition are left open in order to enable the petitioner to raise all the contentions before the first respondent. Since the petitioner has already given a representation on 10.06.2021, it is upto the first respondent to treat the same as an application filed under Section 84 to the Act.



W.P.No.27328 of 2021

7. However, the learned Additional Government Pleader for the first respondent submitted that the representation dated 10.06.2021 does not have any material particulars and hence liberty may be given to the petitioner to make a fresh representation.

8. Accordingly, this Writ Petition is disposed and the petitioner is at liberty to file a fresh representation within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the same and pass order after giving the petitioner an opportunity to make his submission and after conducting enquiry in this regard within a period of six weeks from the date of the representation of the petitioner. No costs.

21.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
gsk



W.P.No.27328 of 2021

R.N.MANJULA, J.

gsk

To

1.The Registrar of Co-operative Societies,
Co-operative Department,
Government of Puducherry,
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W.P.No.27328 of 2021

2.The Puducherry Electricity Employees,
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