



W.P.No.35381 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM:

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

W.P.No.35381 of 2023

and

W.M.P.No.35354 of 2023

1.A.Muthukumar

2.K.Gopalakrishnan

3.N.Suresh Sankar

4.K.Mohanraj

5.T.J.Siva Renjith

6.P.Thamilarasan

...Petitioners

-Vs-

1.The Secretary to Government,
Co-operation, Food and Consumer
Protection Department,
Secretariat, Fort St.George, Chennai – 600 009.

2.The Registrar of Co-operative Societies,
No.170, Periyar EVR Road,
Kilpauk, Chennai – 600 010.

3.The Chairman,
State Recruitment Bureau,
No.170, Periyar EVR Road,
Kilpauk, Chennai – 600 010.



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4. The Administrator,
The Tamil Nadu State Apex
Co-operative Bank Limited,
Chennai – 600 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to issue a seniority list for the employees appointed in the co-operative banks since 2015-16 and accordingly issue orders of promotion in accordance with new seniority list.

For Petitioners : Mr.V.Subramani

For Respondents : Mr.U.Baranidharan
1 to 3 Additional Government Pleader

For Respondent 4 : Mr.N.Naveen Kumar
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to issue seniority list for the employees in the co-operative banks since 2015-16 and accordingly issue orders of promotion in accordance with new seniority list.

2. Heard, the learned counsel appearing on either side.



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3. There are 1700 employees recruited and appointed through State Recruitment Bureau in the co-operative Banks during years 2015-16.

Thereafter, nearly 300 employees were recruited during the year 2021 in the Apex Co-operative institutions and about 1500 employees were recruited in 23 District Central Co-operative Banks in the year 2021 through District Recruitment Bureau. They have been working in various co-operative banks all over Tamilnadu. There was an issue of fixation of seniority in the seniority list prepared based on recruitment or through roster provided under Rule 35(f) of the General Rules of TamilNadu State and Subordinate Services. It was challenged before this Court and the Hon'ble Division Bench of this Court ordered that seniority list is to be maintained based on the seniority obtained at the time of appointment based on marks obtained in the examination. It was also confirmed by the Hon'ble Supreme Court of India. However, it was not complied with by the Government of Tamil Nadu. As such, the petitioners filed a contempt petition before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India passed an order dated 18.04.2023 in the contempt petition. In the said contempt petition, the Hon'ble Supreme Court of India held as follows:



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"17. We, therefore, through are not inclined to disturb the seniority lists which are finalized prior to 10th March, 2023 wherein the benefit is granted to either of the parties i.e., as per the roaster or as per seniority list, the seniority list finalized after 10th March, 2003 will have to be re-visited in accordance with law laid down by this Court in Bimlesh Tanwar (supra) and the first judgment of the Madras High Court.

21. We therefore, direct the State Government to complete the exercise of finalizing the seniority list of selection processes conducted after 10th March, 2003 on the basis of the principle that the seniority list shall be reckoned only on the basis of the merit as determined by the TNPSC in the selection process.

23. Needless to state that if this exercise is not completed within a period of three months from today, we will consider re-opening of the contempt proceedings."

4. Insofar as Co-operative Department is concerned, the State has not initiated any process to publish the seniority list. Therefore, it should be prepared only by the respondents.



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5. Therefore, the respondents are directed to issue seniority list for the employees appointed in the Co-operative Banks from the year 2015 in accordance with law within a period of twelve weeks from the date of receipt of copy of this order, if not already issued.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
gvn



WEB COPY



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G.K.ILANTHIRAIYAN. J.

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To

- 1.The Secretary to Government,
Co-operation, Food and Consumer
Protection Department,
Secretariat, Fort St.George, Chennai – 600 009.
- 2.The Registrar of Co-operative Societies,
No.170, Periyar EVR Road,
Kilpauk, Chennai – 600 010.
- 3.The Chairman,
State Recruitment Bureau,
No.170, Periyar EVR Road,
Kilpauk, Chennai – 600 010.
- 4.The Administrator,
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