



WEB COPY



W.P.(MD).No.2472 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2472 of 2024

P.Sakthivel

...Petitioner

Vs

1.The Regional Joint Registrar,
Dindigul Region, Dindigul District.

2.The Administrator,
D.D.601 Kuttathu Avarampatti Primary Agriculture
Co-operative Credit Society, Kuttathu Avarampatti,
Dindigul District.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation, dated 11.08.2023 and 23.01.2024 and promote the petitioner to the post of secretary in the light of seniority list published by the 1st respondent, dated 03.07.2023 within time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For Respondents :Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to consider the petitioner's representation, dated 11.08.2023 and



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23.01.2024 and promote the petitioner to the post of secretary in the light of seniority list published by the 1st respondent, dated 03.07.2023 within time stipulated by this Court.

2. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed by the 2nd respondent as an Attender in the 2nd respondent Society on 03.10.1989. Thereafter, he was promoted on 31.07.1997 as Clerk. The petitioner has served for the past 44 years and hence, he is the only eligible person for promotion to the post of Secretary. The 1st respondent has already issued seniority list including the petitioner's name on 03.07.2023. However, the petitioner came to know that the Deputy Registrar of Co-operative Societies did not recommend his name for promotion. Hence, the petitioner made a request to the 1st respondent on 11.08.2023 to promote him as a Secretary. Thereafter, he sent a reminder on 23.01.2024. Since the same was not considered, the present writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the



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respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Considering the limited scope of the relief sought for by the petitioner, this Court hereby direct the 1st respondent to consider the representation of the petitioner, dated 11.08.2023 and 23.01.2024 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs.

07.02.2024.

Internet : Yes

Index : Yes/No

NCC : Yes/No

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L.VICTORIA GOWRI, J.

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