



W.P.(MD).No.6301 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6301 of 2024

N.Arun

... Petitioner

Vs.

The Managing Director/ Joint Registrar of
Co-operative Societies,
No.975, The Madurai District Co-operative Bank Ltd.,
187, North Veli Street, Madurai-625 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent Bank to consider the petitioner reinstatement to the service with effect from 19.07.2011 and not from 26.07.2012 as has been done by the respondent bank and to give the petitioner promotion to the posts of 'Assistant Manager' and the next higher post of 'Manager' with retrospective effect to run from 10.03.2013 and 13.09.2019 respectively.

For Petitioner : Mr.S.Balamurugan

For Respondent : Mr.D.Shanmugaraja Sethupathi



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ORDER

The present writ petition has been filed seeking direction to the Respondent Bank to consider the petitioner reinstatement to the service with effect from 19.07.2011 and not from 26.07.2012 as has been done by the respondent bank and to give the petitioner promotion to the posts of 'Assistant Manager' and the next higher post of 'Manager' with retrospective effect to run from 10.03.2013 and 13.09.2019 respectively.

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

3. The petitioner was appointed to the post of Assistant on compassionate ground vide proceedings, dated 03.10.2008. He was posted in the banking Division of the Head Quarters on 06.10.2008. The petitioner was promoted to the post of Assistant Manager on 10.03.2013. While so, he was visited with a charge memo on 23.11.2011. Being not satisfied with the explanation of the petitioner, domestic enquiry was conducted as against him and the charges were held proved. Thereafter, further the petitioner gave explanation for the findings of the enquiry report. In the meanwhile, since he was acquitted in the criminal



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case, he was excluded from the charges framed as against him. Consequently, the petitioner's suspension was revoked in the year 2012 and he was reinstated with effect from 26.07.2012 vide proceedings, dated 27.07.2012 in the respondent Bank. However, the period of suspension suffered by the petitioner was not regularized. Hence, the petitioner made a representation seeking to consider his reinstatement to the service with effect from 19.07.2011 and not from 26.07.2012 and thereafter, promote him to the post of Assistant Manager and the next higher post of Manager with retrospective effect. The said representation was not considered. Hence, this 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 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.



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5. Considering the fact that the representations made by the petitioner was early as in the year 2020, the petitioner is directed to submit a fresh representation. On receipt of the same, the respondent is directed to pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of representation from the petitioner.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

15.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To

The Managing Director/ Joint Registrar of
Co-operative Societies,
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L.VICTORIA GOWRI, J.

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