



W.P.(MD).No.17799 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17799 of 2024

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... Petitioner

Vs

1. The Deputy Registrar of Co-operative Societies,
Madurai Region,
Madurai.

2. The President,
A2377, Villapuram Urban Co-Operative Credit Society,
Villapuram, Madurai - 625 012.

3. The Administrator,
A2377, Villapuram Urban Co-Operative Credit Society,
Villapuram, Madurai - 625 012.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to appoint the petitioner as a Secretary-in-charge of the A2377, Villapuram Urban Co-operative Credit Society, Villapuram, Madurai - 625 012 by considering the representation, dated 01.06.2024.



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For Petitioner : Mr. A.Balaji

For Respondents : Mr.M.Senthil Ayyannar
Government Advocate

ORDER

Heard Mr.A.Balaji, learned counsel for the petitioner and Mr.M.Senthil Ayyannar, learned Government Advocate, for the respondents.

2.This Writ Petition has been filed for a direction to the 3rd respondent to appoint the petitioner as a Secretary-in-charge of the A2377, Villapuram Urban Co-operative Credit Society, Villapuram, Madurai - 625 012 by considering the representation, dated 01.06.2024.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.(i). The petitioner was appointed as a Salesman in the 2nd respondent Society on 09.04.1992. He was promoted as a Clerk. Pursuant to the internal audit report, dated 12.03.2019, it is stated that promotion given to the petitioner is illegal and he has to be promoted only as Assistant Clerk. In



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in this regard, the 2nd respondent has issued a memo, dated 26.03.2019 and he has also submitted his explanation. Not being satisfied with the explanation submitted by the petitioner, the 1st respondent has passed an order, dated 26.05.2021, reverting him from the post of Clerk to Assistant Clerk and also ordered to recover the pay difference.

(ii).Challenging the same, the petitioner has filed a writ petition in W.P(MD) No.10353 of 2021. In that writ petition, this Court has granted an order of interim stay.

(iii)While the writ petition is pending before this Court, due to the suspension of one M.Nadrajan, who is serving as a Secretary, the petitioner has been appointed as a Secretary-in-charge, vide order of the 2nd respondent, dated 30.06.2023. The said M.Nadrajan is getting retired due to superannuation on 30.06.2024 and hence, the post fell vacant. Therefore, the petitioner has made a representation to the 3rd respondent on 01.06.2024 to appoint him as a Secretary-in-charge. However, the same was not considered. Hence, this writ petition came to be filed.

5. 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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respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the 3rd respondent herein to consider the petitioner's representation, dated 01.06.2024, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.



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costs.

7. With the above direction, this writ petition is disposed of. No

31.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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R.N.MANJULA, J.

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