



WEB COPY

WP.No.30330 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 15.07.2025

PRONOUNCED ON : 16.09.2025

CORAM

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WP.No.30330 of 2024

and

WMP.Nos.42355 & 33023 of 2024 & 3317 of 2025

B.Arsath Abdullah
Assistant General Manager
Coimbatore District Central Cooperative Bank Ltd.
Coimbatore.

... Petitioner

Vs.

1. The Additional Registrar (Finance & Banking)/
Chairman, Common Cadre Authority,
O/o. Registrar of Cooperative Society,
No.170, Periyar E.V.R. High Road,
Keelpauk, Chennai-600 010.
2. The Managing Director,
Coimbatore District Central Cooperative Bank Ltd.,
No.80, Bank Road, Opposite to Railway Junction,
Coimbatore.
3. The Managing Director,
Dindigul Central Cooperative Bank Ltd.,
Kooturavu Nagar, Trichy Road,
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1st respondent vide Na.Ka.No.12367/2024-25/பொதுகேள் dated 30.09.2024 and the consequential impugned order passed by 2nd respondent vide Na.Ka.No.00288/2019/E1 dated 04.10.2024 and quash the same.



WEB COPY



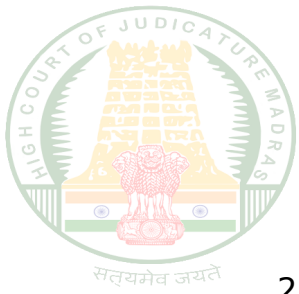
WP.No.30330 of 2024

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.T.Chezhiyan
AGP for R1
Mr.A.Selvendran for R3

ORDER

The brief facts which are necessary for the disposal of the present writ petition is that, the petitioner was initially appointed as Assistant at Dindigul Central Cooperative Bank Ltd., on 27.08.1992. Subsequently, he was promoted to the post of Manager, which is the feeder category for Assistant General Manager. Since the petitioner comes within the seniority, he was considered for promotion for the post of Assistant General Manager and vide proceedings dated 05.08.2024, he was promoted to the post of Assistant General Manager and was posted at Coimbatore District Central Cooperative Bank. Within short span of time, on 21.09.2024, the first respondent issued a show cause notice, as to why the promotion should not be cancelled on account of Registration of FIR in Crime Nos.4 & 5 of 2017. Subsequently, the impugned orders dated 30.09.2024 and 04.10.2024 have been passed reverting the petitioner from the post of Assistant General Manager to Manager. Aggrieved with the same, the present writ petition has been filed.



WP.No.30330 of 2024

WEB COPY

2. Heard Mr.H.Mohammed Imran for M/s.Ajmal Associates, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the 2nd respondent and Mr.A.Selvendran, learned counsel for the 3rd respondent.

3. The learned counsel for the petitioner would submit that, while considering the merits of the petitioner and after conducting interview, the petitioner was promoted as Assistant General Manager on 05.08.2024 and was posted at Coimbatore District Central Cooperative Bank Limited. In pursuance of the above order, the petitioner had joined the post on 09.08.2024. Whereas on 21.09.2024 the first respondent issued show cause notice for reversion of his promotion due to the pendency of an FIR. The learned counsel would submit that in pursuance thereof, without even affording reasonable opportunity to the petitioner and without even considering the petitioner's request for extension of time for reply, the first respondent has passed the impugned order on 30.09.2024 and as a consequence, the 2nd respondent has relieved the petitioner on 04.10.2024. The learned counsel would further submit that apart from the ground of not providing sufficient opportunity to the petitioner to respond to the show cause notice, the denial of promotion on account of the pendency of the



WP.No.30330 of 2024

WEB COPY

criminal case, is contrary to rule. Hence, prayed to interfere with the same.

4. Per contra, the said contention was stoutly objected by the respondent, and would contend that since the petitioner comes within the seniority, he was considered for promotion and in pursuance thereof, he was called for an interview on 31.07.2024 and has been promoted vide order dated 05.08.2024, and posted in the 2nd respondent society. After joining, when the respondents verified the service records, they came to know about the registration of FIR against the petitioner and consequential filing of charge sheet in the year 2021. Hence, they issued a show cause notice to the petitioner. The learned counsel would further submit that according to the Bylaw No.7(C) of Special Bylaws Relating To Service Conditions of The Employees of The Dindigul Central Cooperative Bank Limited, unless a person got a satisfactory service of not less than three years, he is not eligible to be considered for promotion, and that the word satisfactory service has further been explained that the same means a service without having been or being subjected to any punishment during a period of three years prior to the date of consideration for promotion. Whereas, in the case in hand, an FIR has been pending against the



WP.No.30330 of 2024

WEB COPY

petitioner since 2017, and that the charge sheet was filed during 2021 and thereafter, the case was taken on file in C.C.Nos.93, 94 95 of 2021. Therefore, by virtue of the Bylaws and also the judgment of the Hon'ble Supreme Court, the promotion given to the petitioner is contrary to Rule. Hence, prayed to dismiss the writ petition.

5. I have given my anxious consideration to either side submissions.

6. Now the short point to be considered in the present writ petition is, whether a promotion given by the respondent can be reverted based upon the Special Bylaw No.7 as the petitioner did not have the satisfactory service of not less than three years? In this regard, it is appropriate to extract the Special Bylaw No.7 (C).

"7.APPOINTMENT:-

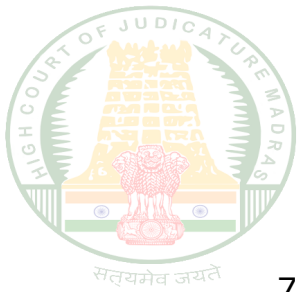
A.

B.

C. PROMOTION.

It shall be competent for the appointing authority to promote any employee from one category to another taking into consideration his seniority and satisfactory service and to sanction notional increment in the promoted cadre at the time of promotion.

Provided that no employee shall be considered for promotion to a higher category unless he has put in a satisfactory service of not less than three years in the present category of post held by him.



WP.No.30330 of 2024

WEB COPY

7. The word "satisfactory" has been explained under the heading "EXPLANATION" and the same is also extracted hereunder:-

"EXPLANATION:-

For the purpose of these Special By-laws, the term "satisfactory service" means a service having been or being subjected to any punishment during a period of three years prior to the date consideration for promotion."

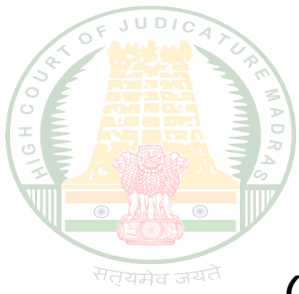
8. While looking at the above Bylaw, the ordinary reading of the said Rule though referred the mere word "satisfactory service" of not less than three years in the present category of post, and not referring about any pendency of the Criminal proceedings, this Court is of the firm view that it has to be purposefully interpreted, in such a way that the word "satisfactory service" means not only the service without any punishment but also includes the factors which are ground to initiate disciplinary proceedings. Therefore, the word "satisfactory service" must also include the pendency of criminal case against the employee.

9. At this juncture, it is appropriate to refer the following judgments as to how the promotion has to be dealt:-

(i) ***Union of India Vs. Anil Kumar Sarkar*** reported in **(2013) 4 SCC 161.**

(ii) ***A.Kalaiselvan Vs. The State of Tamil Nadu and Ors*** reported in **MANU/TN/1191/2016.**

(iii) ***M.Chandran Vs. The Director of School Education***



WP.No.30330 of 2024

WEB COPY

(W.P.(MD) No.19525 of 2018 order dated 15.02.2019)

10. According to the above precedents, whenever a charge sheet is filed before the Criminal Court against an employee, or whenever a charge Memorandum issued against the delinquent, or when the petitioner is under suspension, then the promotion can be deferred. In the case in hand, it is not in serious dispute that on the date the petitioner was considered for promotion, a charge sheet has been filed against the petitioner in FIR Nos.4 & 5 of 2017 and after filing the charge sheet, the case was taken on file in C.C.Nos.93, 94 & 95 of 2021. Therefore, it is amply clear that even before petitioner was considered for promotion during 2024, the charge sheet has been filed against him before criminal Court. Therefore, as per the judgment of the Hon'ble Supreme Court referred to hereinabove, his consideration for promotion is in contravention to the settled legal principles.

11.No doubt, the petitioner was promoted to the post of Assistant General Manager, however, such promotion has not been taken into consideration of filing of a charge sheet. Hence, the show cause notice issued against the petitioner cannot be found faulted with. But, in the case in hand, it is also the grievance of the petitioner that the Rule, viz., the Bylaw does not contain any provision to deny the promotion on

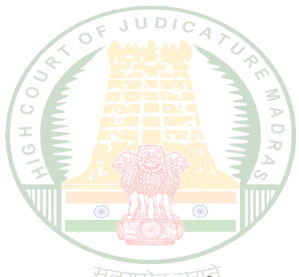


WP.No.30330 of 2024

WEB COPY

account of the pendency of the Criminal proceedings. This Court is not in a position to accept the said contention. According to the Rule No.7 of Special Bylaw, a person to be considered for promotion, must have a satisfactory service of not less than three years. A person, who is facing a criminal charge, that too in respect of a delinquency having nexus with his official functioning cannot be construed that he has satisfactorily served. Though the Rule does not specify about the pendency of the Criminal Proceedings, the word "satisfactory service" has to be purposefully interpreted to advance the legal principles settled by the Hon'ble Supreme Court. Therefore, this Court absolutely does not find any merits in favour of the petitioner.

12.However, while looking at the facts of the case, he also raised an another contention that he was not given sufficient opportunity to explain his case. In the case in hand, after the petitioner joined in the promotional post on 09.08.2024, he was served with the show cause notice on 21.09.2024 asking him to give explanation within three days. However, the petitioner has sent his reply on 24.09.2024 asking further time of 15 days. But, the respondent without giving any reply to the petitioner or rejecting his request for extension of time, has passed final order on 30.09.2024, thereby reverting the petitioner to the post



WP.No.30330 of 2024

of Manager.

WEB COPY

13. From the above narration, it is amply clear that though the petitioner was served with the notice, his grievance is that sufficient time was not given to submit his explanation. But, now the point is whether such denial of extension of time would prejudice the petitioner is concern, as it has been already found that the promotion order issued in favour of the petitioner is contrary to the service rule and the ratio of the Hon'ble Supreme Court, that this Court does not find any infirmity in the impugned order dated 30.09.2024 and its consequential order dated 04.10.2024. Accordingly, this Writ Petition deserves to be dismissed.

14. In the result, this writ petition stands dismissed. No costs. Consequently, connected WMPs are also closed.

16.09.2025

kmi

Index : Yes/No

Speaking order Order

Neutral Citation : Yes/No



WP.No.30330 of 2024

WEB COPY

To

1. The Additional Registrar (Finance & Banking)/
Chairman, Common Cadre Authority,
O/o. Registrar of Cooperative Society,
No.170, Periyar E.V.R. High Road,
Keelpauk, Chennai-600 010.
2. The Managing Director,
Coimbatore District Central Cooperative Bank Ltd.,
No.80, Bank Road, Opposite to Railway Junction,
Coimbatore.
3. The Managing Director,
Dindigul Central Cooperative Bank Ltd.,
Kooturavu Nagar, Trichy Road,
Dindigul.



WEB COPY



WP.No.30330 of 2024

C.KUMARAPPAN, J.

kmi

WP.No.30330 of 2024

16.09.2025