



W.P.(MD)No.15453 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15453 of 2025

M.Visuwasam Samuelraj

... Petitioner

-VS-

1.The Joint Registrar of Co-Operative Societies,
Thoothukudi District.

2.The Deputy Registrar of Co-operative Societies,
Thiruchendhur
Thoothukudi District.

3.0.212 The Nazareth Urban Co-operative Bank Ltd.,
Rep. by Managing Director,
Nazareth - 628 617, Thoothukudi District.

4.0.212 The Nazareth Urban Co-operative Bank Ltd.,
Rep. by General Manager,
Nazareth - 628 617, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 15.05.2025, with the time frame stipulated by this Court.

For Petitioner

: Mr.G.Prabhu Rajadurai



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For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

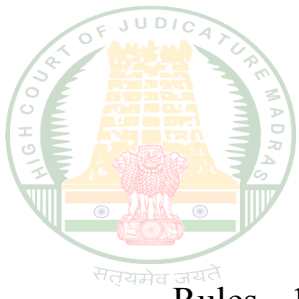
ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the representation of the petitioner dated 15.05.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was appointed as a Day Deposit Collector in the third respondent Co-operative Bank on 27.11.1999 and was initially posted at the Peikulam Branch. Though his official designation was Day Deposit Collector, due to acute staff shortage, the petitioner continuously performed duties akin to that of an Assistant, including being a joint custodian of cash and jewel locker and working regular hours from 10:00 a.m. to 05:30 p.m., like a full-time employee.

4. Further, having rendered more than 480 days of continuous service without break, the petitioner filed an application under Rule 6(4) of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen)



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Rules, 1981, seeking permanent status. The third respondent contested the application, claiming that the petitioner was only a commission-based worker and not a "workman" under the said Act. However, by order dated 22.03.2018, the Assistant Commissioner of Labour allowed the petitioner's application and directed the third respondent to confer permanent status from the date on which the petitioner completed 480 days of service. Upon receipt of the order on 23.03.2018, the petitioner submitted a representation to the third respondent seeking regularization in terms of the direction of the Labour Court.

5. Subsequently, after obtaining legal opinion, the third respondent passed a resolution on 27.03.2018 to appoint the petitioner as Assistant against a sanctioned vacancy by following the communal roster. Notably, similar treatment was extended to two other Day Deposit Collectors, who had secured favourable orders before the Labour Court. Despite the same, the petitioner is yet to be considered for appointment, even though he submitted a further representation on 15.05.2025, seeking consideration of his candidature for appointment to the post of Assistant in the light of the order of the order passed by this Court dated 25.01.2022 in W.P.(MD)Nos.11571 to 11573 and 9572 to 9574 of 2018.



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6. The petitioner submits that any action by the respondents to fill up available vacancies without considering the petitioner's claim, despite his long service, favourable legal orders and legitimate expectation, would cause serious and irreparable prejudice to his livelihood. Hence, the petitioner has filed the present Writ Petition, seeking a direction to the respondents to consider his representation dated 15.05.2025 and to appoint him as Assistant in accordance with the applicable legal provisions.

7. Heard the learned counsel appearing for the parties.

8. 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 him 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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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9. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to consider the petitioner's representation dated 15.05.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents concerned to consider the same on its own merits.

10. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

16.06.2025
(1/3)

To:-

- 1.The Joint Registrar of Co-Operative Societies,
Thoothukudi District.
- 2.The Deputy Registrar of Co-operative Societies,
Thiruchendhur
Thoothukudi District.



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3.The Managing Director,
0.212 The Nazareth Urban Co-operative Bank Ltd.,
Nazareth - 628 617, Thoothukudi District.

4.The General Manager,
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VIVEK KUMAR SINGH, J.

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