



W.P.(MD)No.18062 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18062 of 2025
and
W.M.P.(MD)No.13847 of 2025

Murugesan

... Petitioner

-VS-

- 1.The Joint Registrar of Co-operative Societies / Chairman,
District Co-operative Recruitment Board,
Pudukkottai District.
- 2.The District Registrar of Co-operative Societies,
Pudukkottai District.
- 3.The Deputy Registrar of Co-operative Societies,
Public Distribution System, Pudukkottai District.
- 4.The Administrator,
MM 16, Pudukkottai Urban Stores,
TS No.2797, East Second Street,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Salesman in the fourth respondent's Society, by considering his representation dated 13.06.2025.



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For Petitioner : Mr.P.Ganaptahi Subramanian
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to promote the petitioner as Salesman in the fourth respondent's Society, by considering his representation dated 13.06.2025.

2. By consent, this Writ Petition is disposed of, at the admission stage itself.

3. According to the petitioner, he was selected for the post of 'Packer' in the fourth respondent's society through a fair and transparent selection process initiated by the first respondent. Following the appointment on 09.07.2014, the petitioner completed his probation period of two years and has worked diligently for over eleven years without any adverse remarks or disciplinary actions. Under the applicable rules and service conditions, the petitioner is entitled to promotion to the post of 'Salesman' upon the completion of ten years of service as a 'Packer', which he has duly completed. The petitioner submitted a representation to the



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respondents on 13.06.2025, seeking promotion to the post of Salesman, as per his entitlement. The first respondent has already selected 85 candidates for the post of Salesman through Notification No.1/2024. However, at the time of the notification, no vacancies for Salesman existed in the fourth respondent's Society. Now, two vacancies for the Salesman position have arisen within the fourth respondent's Society.

4. The petitioner has come to know that, instead of promoting eligible candidates like himself, the fourth respondent intends to accommodate the 85 candidates already selected by the first respondent. This act of accommodating the external candidates, despite the petitioner's clear entitlement to promotion, is legally impermissible and an unjust denial of his right to be considered for promotion. The respondents have failed to discharge their statutory duty to promote the petitioner, thereby, depriving him of his legitimate right. The promotion process, if not granted immediately, would indefinitely delay or deny the petitioner's opportunity for promotion, which is a clear violation of his service rights. Hence, the present Writ Petition.



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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 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.

6. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 13.06.2025, on its own merits and pass appropriate orders in accordance with law, 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 first respondent to consider the same on its own merits.



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7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

04.07.2025

To:-

- 1.The Joint Registrar of Co-operative Societies / Chairman,
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- 2.The District Registrar of Co-operative Societies,
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VIVEK KUMAR SINGH, J.

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