



W.P.(MD)No.18111 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18111 of 2025

C.Mariappan

... Petitioner

-VS-

1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maalgai,
Kilpauk, Chennai - 600 010.

2.The Joint Registrar / Common Cadre Authority of
Co-Operative, Societies,
Tenkasi District, Tenkasi.

3.The Deputy Registrar Co - operative, Societies,
Tenkasi Circle, Tenkasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to include the petitioner's name in the Secretary promotion panel list dated 15.05.2025 and to process his promotion to the post of secretary with all consequential benefits without being affected by the charge memo dated 26.05.2025 based on the petitioner's representation dated 18.06.2025, within a stipulated time that may be fixed by this Court.



W.P.(MD)No.18111 of 2025

WEB COPY

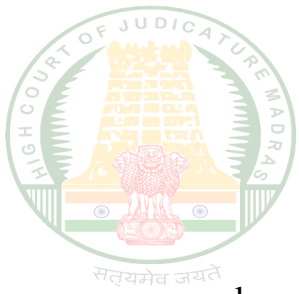
For Petitioner : Ms.P.Kalaiyarasi Bharathi
For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to include the petitioner's name in the Secretary promotion panel dated 15.05.2025 and to consider him for promotion to the post of Secretary with all consequential benefits, without reference to the Charge Memo dated 26.05.2025, by considering his representation dated 18.06.2025, within a time frame to be fixed by this Court.

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

3. According to the petitioner, he had an unblemished service record since his initial appointment as Salesman on 01.06.1989 and subsequent promotions up to the post of Assistant Secretary, was placed second in the Secretary Promotion Panel dated 15.05.2025. However, a belated charge memo dated 26.05.2025 was issued, suspiciously soon after the publication of the panel and two years after the conclusion of the relevant period of the Section 81 enquiry. The said charge memo, issued while the petitioner had already obtained an interim stay in related



W.P.(MD)No.18111 of 2025

surcharge proceedings, appears to be a colourable exercise of power intended to obstruct his promotion. Despite his representation dated 18.06.2025 seeking reconsideration, no action has been taken. Hence, the petitioner prays for issuance of a Writ of Mandamus, to direct the respondents to include his name in the Secretary Promotion Panel and to process his promotion with all consequential benefits, independent of the charge memo.

4. Heard both sides.

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.



W.P.(MD)No.18111 of 2025

WEB COPY

6. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 18.06.2025, 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 second respondent to consider the same on its own merits.

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

NCC : Yes / No

Index : Yes / No

smn2

To:-

04.07.2025

- 1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maalgai,
Kilpauk, Chennai - 600 010.
- 2.The Joint Registrar / Common Cadre Authority of
Co-Operative, Societies,
Tenkasi District, Tenkasi.
- 3.The Deputy Registrar Co - operative, Societies,
Tenkasi Circle, Tenkasi.



WEB COPY



W.P.(MD)No.18111 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.18111 of 2025

04.07.2025