



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.05.2022

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R. SURESH KUMAR**

**W.P(MD)No.10494 of 2022**

**and**

**W.M.P (MD)No.7603 of 2022**

K.Manivel

... Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,  
Tiruchirapalli Division,  
Trichirapalli.

2.The Sub Registrar of Co-operative Societies,  
Manikandam,  
Tiruchirapalli Division,  
Trichirapalli.

3.The President,  
R1617, Chatrapatti Primary Agricultural  
Co-operative Credit Society,  
Ariyavur Post, Ramjinagar via,  
Chattirapatti,  
Trichirapalli.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 3<sup>rd</sup> respondent dtaed 13.05.2022 and quash the same as illegal.

For Petitioner : Mr.M.Mahaoob Athiff for  
Mr.Suresh Kumar Isaac Paul

For R1 & R2 : Mr.S.R.A.Ramachandran  
Additional Government Pleader

**O R D E R**

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The petitioner was originally working as a Salesman of the respondent Society/Bank. Subsequently, he seemed to have been promoted as Assistant Clerk. After sometime, now, a notice is issued by the respondent Society/Bank on 13.05.2022, stating that the said promotion given to the petitioner as Assistant Clerk, is not in accordance with law or bye-law and therefore, explanation was called for from the petitioner within 7 days, as to why such promotion shall not be reverted.



2. Challenging the said notice, the present writ petition has been filed.

3. Mr.M.Mahaoob Athiff, learned counsel representing the counsel on record for the petitioner submits that from the language used in the impugned communication, it could be easily found that it is a pre-determined order, under which, the respondent Management decided as if the promotion given to the petitioner as Assistant Clerk, is unlawful or illegal, but, on what basis, they came to such conclusion has not been spelt out in the communication which is impugned herein. Unless and until the reason is given to the petitioner as to how the respondent Management has come to the conclusion that the promotion given to the petitioner as Assistant Clerk was unlawful or illegal, the petitioner may not be in a position to give a fruitful and satisfactory reply or explanation for the query raised by the respondent through the impugned communication.

4. However, Mr.S.R.A.Ramachandran, learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that on what reason, such a conclusion *prima facie* concluded by the respondent Board or Management or President of the Society cum Bank, could be revealed to the petitioner within the shortest possible period to be fixed by this Court, based on which, let the petitioner give explanation to the respondent Bank and thereafter, it would be decided on merits and in accordance with law.

5. Considering the afore-stated submissions made by both sides, this Court is inclined to dispose of this writ petition with the following order:-

The respondent Bank shall give the reasons as to how they came to the *prima facie* conclusion that the promotion given to the petitioner from Salesman to Assistant Clerk was not in consonance with the relevant law, rules or bye-law and after receipt of such communication/reasons from the respondent Bank, the petitioner shall give reply/explanation as claimed through the impugned communication within two weeks thereafter. On receipt of the reply from the petitioner, it is open to the 1<sup>st</sup> respondent to decide the issue on merits and pass final orders.

6. With this observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

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To

1.The Deputy Registrar of Co-operative Societies,  
Tiruchirapalli Division,  
Trichirapalli.

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**W.P (MD) No.10494 of 2022**  
**27.05.2022**

MGJ(28.05.2022) 3P 4C