

(2002) 06 MAD CK 0152

In the Madras High Court

Case No : Writ Petition No. 22667 of 2002 and W.P.M.P. No. 31322 of 2002

Kanyakumari District All Co-operative Institutions
Employees Union

APPELLANT

Vs

The Government of Tamil Nadu and Kanyakumari District
Central Co-operative Bank

RESPONDENT

Date of Decision : 26-06-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 06 MAD CK 0152

Hon'ble Judges : V. Kanagaraj, J

Bench : Single Bench

Advocate : Jeish B. Dolia, for the Appellant; M.S. Palanisamy, AGP, for the Respondent

Judgement

V. Kanagaraj, J.—Petitioner has filed the above writ petition praying to issue a writ of certiorarified mandamus calling for the records

pertaining to proceedings of the 3rdh respondent bearing Na.Ka.No.3241/2002 mv dated 10.04.2002 and quash the same and consequently

direct the respondents 3 to 5 to fill up the 5 vacancies in the post of Assistant in the 5th respondent Bank.

2. Today, when the above matter was taken up for consideration in the presence of the learned counsel for the petitioner and the learned

Additional Government Pleader (Co-operatives) who takes notice on behalf of the respondents and having regard to the materials placed on

record it comes to be known that the petitioner's grievance is that in spite of the practice and procedure of the 5th respondent bank to appoint the

employees in accordance with the procedures laid down by the first respondent in G.O.Ms.No.216, Co-operation, Food and Consumer

Department dated 1.9.1998 and in G.O.Ms.No.77 Co-operation, Food and Consumer Protection Department dated 1.5.2000 for filling up the

post of Assistants, 15% of the same has to be selected from among the employees working in the society and the remaining 85% to be selected by

Direct recruitment through Employment Exchange; that the 5th respondent from out of the 32 vacancies arose, filled up only 27 and for the

remaining they attribute in the impugned notice that there is a stay order by the Registrar of Co-operative Societies to fill up those 5 vacancies and

hence challenging the said impugned order has come forward to file the above writ petition.

3. On the part of the respondents the learned Additional Government Pleader (Co-operative) would submit that the Government in order to

streamline the appointment of such nature has constituted a committee to verify the cadre strength in each society and the committee is having its

own design of dealing with the subject and will report to the Government at the earliest based on which directions would be issued to the Registrar

of Co-operative Societies has to how such posts are to be filled up and till such time it is undesirable to allow the concerned Co-operative

societies or banks to fill up these posts and hence would say that the above writ petition is premature in the scheme of things that are in the offing.

4. There is much reason and force in the arguments of the learned Additional Government Pleader (Co-operatives) and therefore no sudden

decision could be made in this regard of appointment to the said posts since the impugned order also furnishes tangible reason for having not

resorted to filled up the 5 posts which have fallen vacant and in these circumstances it is also desirable to issue a direction to the Government to

expedite the process of verification by the committee constituted by it in a time bound manner and hence the following order:-

(i)The above writ petition is immature and is dismissed as such.

(ii)The Government of Tamil Nadu, the first respondent herein is directed to expedite the process of verification of the cadre strength by the

committee constituted by it so as to come out with its policy that is giving a green signal for the 5th respondent to fill up the vacancies as

expeditiously as possible.

(iii)The above writ petition is disposed of in the above manner.

(iii) However, in the circumstances of the case, there shall be no order as to costs.

(iv) Consequently, W.P.M.P.NO. 31322 of 2002 is closed.