

ITEM NO.6

COURT NO.7

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).16758-16768/2013

(Arising out of impugned final judgment and order dated 14/03/2013
in WA No. 2473 to 2483 of 2011 passed by the High Court Of Madras)

SALEM DISTRICT CENTRAL CO-OPERATIVE BANK

Petitioner(s)

VERSUS

G.SENTHILKUMAR AND ORS

Respondent(s)

(with interim relief and office report)
(For final disposal)

Date : 17/03/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s)

Mr. Guru Krishna Kumar, Sr. Adv.
Mr. K.V. Vijaykumar, Adv.
Mr. T. R. B. Sivakumar, Adv.

For Respondent(s)

Mr. Subramonium Prasad, Adv.
Mr. B. Balaji, Adv.
Mr. Rakesh Sharma, Adv.
Ms. Shase, Adv.

Mr. Balasubramaniam, Sr. Adv.
Mr. B. Karunakaran, Adv.
Ms. Shruti Iyer, Adv.
Mr. Senthil Jagadeesan, Adv.
Mr. Govind Manoharan, Adv.
Mr. S. Gowthaman, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.
signed order.

The appeals are allowed, in terms of the

Signature Not Verified

Digitally signed by
Om Parkash Sharma
Date: 2015.03.21
13:17:56 IST
Reason:

[O.P. SHARMA]
COURT MASTER

[ASHA SONI]
COURT MASTER

(Signed order is placed on the file)

2

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3025-3035 OF 2015
(Arising out of SLP(C)Nos.16758-16768/2013)

SALEM DISTRICT CENTRAL CO-OPERATIVE BANK

Appellant(s)

VERSUS

G.SENTHILKUMAR AND ORS

Respondent(s)

O R D E R

Leave granted.

The challenge in these appeals is against the order dated 14.03.2013 passed by the division Bench of the High Court of Madras in Writ Appeal Nos.2473 to 2483 of 2011.

By the aforesaid order, the Division Bench had reversed the order dated 21.7.2011 passed by the learned Single Judge of the High Court by which the writ petition filed by the respondents was dismissed.

The effect of the order challenged herein is that the appellant-Bank has been directed to consider the cases of the respondents-writ petitioners for direct appointment in the appellant Bank on the basis of the age of entry applicable to Government servants, as relaxed (i.e. 35 + 5 years, namely 40 years).

The facts lie in a short compass. With the amendment of Rule 149(3) of the Tamilnadu Co-operative Society Rules and

deletion of the provision pertaining to the age of appointment therein, it is the Bye-laws of the Society (Bank) which would govern the field. The Bye-laws were amended on 15.10.2008 but with effect from 24.08.2007.

Under the said Bye-laws, the age for appointment is 32 + 5 years, namely, 37 years. The respondents-writ petitioners were below 40 years but above 37 years at the relevant point of time. Hence the controversy.

The materials on record would indicate that the employment notification pertaining to the vacancies in question was issued on 21.12.2006 though the names were sponsored by the

employment exchange on 3.9.2007, namely, after the amendment of the Bye-laws. The entire process of consideration for appointment, therefore, would have been required to be such after the amended Bye-laws came into effect. Whether the issuance of the employment notification on 21.12.2006 that is before the amendment of the Bye-laws, by itself, would bring into force the earlier Bye-laws is a debatable question inasmuch as time and again it has been repeated by this court that it is not an inflexible proposition that the norms in force on the date of occurrence of the vacancies would be applicable to such vacancies. In the present case, the consideration for appointment being admittedly after the amended Bye-laws came into force and there being no vested right in the respondents-writ petitioners for appointment, we are of the view that the dismissal of the writ petition ordered by the learned Single Judge was perfectly justified.

4

In the above view of the matter, the order of the Division Bench reversing the aforesaid order of learned Single Judge cannot be accepted. Consequently, the said order is hereby set aside and the appeals are allowed.

.....J.
[RANJAN GOGOI]

.....J.
[N.V. RAMANA]

NEW DELHI
MARCH 17, 2015
5