



W.P.(MD).No.30138 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30138 of 2023

and

W.M.P(MD) Nos.25976 and 25977 of 2023

M.Mahendran

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Dindigul District, Dindigul.
2. The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Palani Circle, Palani,
Dindigul District.
3. The Administrator,
D.D.556, Guziliamparai Primary Agricultural
Co-operative Thrift and Credit Society,
Guziliamparai, Vedachandhur Taluk,
Dindigul District.
4. The Administrator,
R.564, Lanthakottai Primary Agricultural
Co-operative Credit Society,
Lanthakottai,
Guziliamparai Taluk,
Dindigul District.



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5. P.Maruthamuthu

Co-operative Sub-Registrar/Field Officer,
Guziliamparai,
Guziliamparai Taluk,
Dindigul District.

6. R.Arumugam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceeding dated 10.08.2023 and the consequential impugned order vide Na.Ka.2/2023/கூ.சா.பு dated 06.11.2023 passed by the fifth respondent and quash the same and consequently directing the respondents 1 and 2 to permit the petitioner to work continuously in the fourth respondent to permit the petitioner to work continuously in the fourth respondent Society as Secretary (In-charge).

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
For R1 to R4

ORDER

The present writ petition has been filed by a Clerk of the Co-operative Society challenging the order of repatriation to his parent Society.



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2. The petitioner, who is an employee of the third respondent Society was sent on deputation to the fourth respondent Society, by an order, dated 08.09.2020. A perusal of the deputation order clearly indicates that the deputation is for a period of two years. However, even after the expiry of two years, the petitioner has been permitted to continue. Now, the petitioner has already completed three years.

3. In view of Rule 149 (2-A) of the Tamil Nadu Co-operative Societies Rules, any deputation can be only for a period of three years and no deputation can be beyond a period of three years. The present writ petition has been filed, challenging the order, in which, the petitioner has been repatriated to his parent Society.

4. In view of the fact that two year deputation period has already been over and statute provides that the petitioner cannot continue in a deputed Society for a period of more than three years, the present writ petition is devoid of merits.



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5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

19.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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