

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.23607 of 2014 and
M.P.Nos. 1 to 3 of 2014

S.Manikandan

...Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, N V Natarajan Maaligai,
Opposite to Ega Cinema Hall,
Poonamallee High Road, Kilpauk,
Chennai - 600 010.

2.The Joint Registrar,
Namakkal District Recruitment Bureau,
Namakkal.

3.The Anangur Primary Agricultural Co-operative
Credit Society
Represented by its Secretary,
K.Ayyampalayam Post, Paramathivelur Taluk,
Namakkal District - 637 213.

4.R.Chinnasamy

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in order dated 18.7.2014 in Na. Ka. No.1868/2013/P.V.T.3 quash the same and consequently direct the respondents to appoint the petitioner to the post of Salesperson in the fair price shop run by the 3rd respondent Society with all benefits including seniority and salary that the petitioner eligible for as a result of the work already rendered by the petitioner as a salesperson.

For Petitioner : Mr.J.Abishek

For Respondents : Mr.R.Bala Ramesh
Addl.Govt.Pleader for R1 and R2

O R D E R

The petitioner is a polio affected person. He is not in a position to walk without any outside support.

2. The petitioner was appointed as Salesman in Anangur Primary Agricultural Co-operative Credit Society. However, he was not permitted to join duty by the fourth respondent. The petitioner, thereafter submitted a representation to the District Collector, Namakkal. The second respondent pursuant to the recommendation made by the District Collector issued the impugned order dated 18.07.2014 posting the petitioner to Sirumolasi Primary Agricultural Cooperative Credit Society, which is about 30 kms away from his house.

3. The petitioner challenges the transfer order on the ground that there was no justification on the part of the fourth respondent in denying him to join duty at Anangur Primary Agricultural Co-operative Credit Society.

4. When the writ petition was taken up for consideration, the learned Additional Government Pleader submitted that the petitioner has already joined duty and as such, the very writ petition has become infructuous.

5. The learned counsel for the petitioner on instructions submitted that there is a vacant post of Salesman in Pandamangalam Agricultural Co-operative Credit Society and as such, liberty should be given to the petitioner to submit a representation for transfer to the said Society.

6. Since the petitioner has already assumed office pursuant to the order passed by the second respondent, there is no question of setting aside the said order.

7. The petitioner is given liberty to submit a comprehensive representation to the second respondent for transfer to a nearby place. In case, any such representation is given, the same shall be considered and disposed of by the second respondent taking into account the difficulties of the petitioner to travel too far from his residence. Such exercise shall be completed within a period of eight weeks from the date of receipt of representation.

8. The writ petition is disposed of with the above direction. No costs. Connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

svki

To

- 1.The Registrar of Co-operative Societies,
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Credit Society
Represented by its Secretary,
K.Ayyampalayam Post, Paramathivelur Taluk,
Namakkal District - 637 213.

- 1 cc to Government Pleader, sr. 4769
1 cc to M/s.A. Jenasenan, Advocate, Sr. 4713

W.P.No.23607 of 2014

SAI (CO)
kk 18/2

29.01.2015



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