

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27605 of 2015
and M.P.Nos.1 and 2 of 2015

M.Jayakrishnana

... Petitioner

-Vs-

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Joint Registrar of Co-operative
Societies,
Krishnagiri Region,
Krishnagiri.
3. The Deputy Registrar of Co-operative
Societies,
Hosur Circle,
Krishnagiri District.
4. The Deputy Registrar of Public Distribution
System,
Krishnagiri,
Krishnagiri District.
5. The Co-operative Sub Registrar/Managing
Director,
S.527, Kelamangalam Agricultural Producers'
Co-operative Marketing Society,
Rep. By P.Mohan,
Kelamangalam,
Dhenkanikottai Taluk,
Krishnagiri District.
6. P.Mohan,
Co-operative Sub Registrar/Managing Director
S 527 Kelamangalam Agricultural Producers
Co-operative Marketing Society
Denkanikottai Taluk,
Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the order of the 4th respondent dated 06.08.2015 in Na.Ka.No.915/2015/Po.Vi.Thi.2 and the consequential order of the 5th respondent dated 18.08.2015.

For Petitioner : Mr.K.Selvaraj
For Respondents: Mr.V.Subbiah,
Special Government Pleader for R1

Mr.D.Venkatachalam,
Govt. Advocate (Co-operative) for R2 to R4

Mr.M.S.Palaniswamy for R5

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that he was appointed as a Salesman on 02.11.1981 in the Fair Price shops run by the Tamil Nadu Civil Supplies Corporation and during the year 1987, the said Fair Price Shops have been allotted to the Primary Agricultural Co-operative Societies and accordingly, the petitioner was transferred to the services of Anjatti Primary Agricultural Co-operative Societies. The petitioner would further state that on 10.07.1991, the Joint Registrar of Co-operative Societies transferred the Fair Price Shops of Anjatti Primary Agricultural Co-operative Societies to the 5th respondent and further ordered that all the employees of the Fair Price Shops should be appointed as the employees of the Lead Societies and accordingly, the petitioner was appointed as a Salesman in the services of the 5th respondent Fair Price Shop on 01.09.1991.

3. Further, on 30.11.2011, the 5th respondent has transferred the services of the petitioner to Anjatti Primary Agricultural Co-operative Societies and aggrieved by the same, the Employees Union raised a dispute before the Labour Inspector, Krishnagiri and on conciliation, the Management of the 5th respondent has agreed to withdraw the transfer order made against the petitioner. The grievance now expressed by the petitioner is that based on the proceedings of the Joint Registrar of Co-operative Societies, Dharmapuri, the Collector of Krishnagiri District, in his proceedings dated 26.06.2009, has transferred the Fair Price Shops under the control of Kelamangalam Primary Agricultural Society to Anjatti Primary Agricultural Co-operative Society and based on which, the present impugned proceedings dated 06.08.2015 as well as 18.08.2015 came to be passed.

4. The learned counsel appearing for the petitioner would submit that since the services of the petitioner have been permanently absorbed in the 5th respondent Society, he cannot be transferred to any other Society and since he has raised certain dispute against the important person in the Management, he has been singled out and the impugned order of transfer came to be passed and prays for interference.

5. Per Contra, Mr.D.Venkatachalam, learned Government Advocate who accepts notice on behalf of respondents 2 to 4 would submit that as against the impugned order, the petitioner is having an effective alternative remedy under Section 153 of the Tamil Nadu Co-operative Societies Act by filing a revision before the Joint Registrar of Co-operative Societies, Krishnagiri.

6. In response to the said submission, the learned counsel for the petitioner would submit that the proceedings of the Collector of Krishnagiri District refers to the Joint Registrar of Co-operative Societies, Dharmapuri and therefore, no purpose will be served in filing a revision petition before the Joint Registrar of Co-operative Societies, Krishnagiri.

7. This Court has carefully considered the rival submissions and also perused the materials placed on record.

8. This Court in the light of the facts and circumstances and without going into the merits of the claim projected either by the petitioner or by the official respondents, directs the petitioner to file a revision under Section 153 of the Tamil Nadu Co-operative Societies Act before the Registrar of Co-operative Societies, within a period of two weeks from the date of receipt of a copy of this order and the said official, on receipt of the same, is directed to entertain the same, if the papers are otherwise in order without putting the issue on limitation and pass orders on merits and in accordance with law within a period of eight weeks thereafter and communicate the decision taken, to the petitioner.

9. The learned counsel appearing for the petitioner would submit that in pursuance to the impugned order, he is yet to be relieved and according to the learned counsel for the 5th respondent, he has already been relieved. Therefore, the Registrar of Co-operatives, till the disposal of the revision, shall maintain status quo as exists today.

10. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.
vsm

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Joint Registrar of Co-operative
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3. The Deputy Registrar of Co-operative
Societies,
Hosur Circle,
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4. The Deputy Registrar of Public Distribution
System,
Krishnagiri,
Krishnagiri District.

+ 1 cc to Mr.K.Selvaraj, Advocate SR 47556

+ 1 cc to Mr.M.S.Palaniswamy, Advocate SR 47838

+ 1 cc to Govt.Pleader SR 48101

tej (co)
prk7/9

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