

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.3268 of 2015

R.Mythili

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Salem Region, Salem.
2. The Deputy Registrar of Co-operative Societies,
Omalur Circle, Omalur, Salem.
3. The President,
K.K.238, P.N.Patty Veerakkal Pudur Primary
Agricultural Co-operative Credit Society Ltd.,
Karuppureddiyur Post,
Mettur Taluk, Salem District - 636 404.
4. K.K.238, P.N.Patty Veerakkal Pudur Primary
Agricultural Co-operative Credit Society Ltd.,
rep. by its Secretary,
Karuppureddiyur Post,
Mettur Taluk,
Salem District - 636 404.

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to permit the petitioner to continue her job as Jewel Appraiser in the fourth respondent Society namely, K.K.238, P.N.Patty Veerakkal Pudur Primary Agricultural Co-operative Credit Society Limited.

* * *

For Petitioner : Mr.C.Munusamy
For Respondents: Mr.L.P.Shanmuga Sundaram
Special Govt. Pleader for RR 1 and 2

Mr.S.Doraisamy for R3

No Appearance for R4

ORDER

The petitioner is a Jewel Appraiser in P.N.Patty Veerakkal Pudur Primary Agricultural Co-operative Credit Society Limited - third and fourth respondents herein. She was appointed as a Jewel Appraiser by the Special Officer on 20.10.2010 by way of a resolution.

2. Now, an elected board assumed office on 20.03.2015, as per the submission of the Administrator, who was present before this Court on 23.03.2015. But the learned counsel for the third respondent, who is the elected President, has submitted that they assumed office only on 25.03.2015.

3. The case of the petitioner is that now an attempt is made to disengage her from the job of Jewel Appraiser in the said society. Hence, when this writ petition came up for hearing on 23.03.2015, the learned Special Government Pleader, who represented the said Society, was asked to take instructions as to the allegations made by the petitioner.

4. It seems that this Court directed the Special Government Pleader to give suitable instructions to the Society to continue to engage the petitioner and it is seen that Thiru.L.P.Shanmugasundaram, learned Special Government Pleader, has written a letter dated 23.03.2015 to the Society as well as to the respondents 1 and 2 about what transpired in this Court on 23.03.2015. The relevant passage from that letter is extracted hereunder :

"Upon hearing the matter, the Hon'ble Court was pleased to direct the President and the Board to pass appropriate orders to appoint the petitioner as Jewel Appraiser on commission basis on or before 25.03.2015. Otherwise the President of the third respondent Society has to be present before the Court on 26.03.2015."

5. On 23.03.2015, this Court adjourned the matter on 25.03.2015 with a direction to the Administrator to liaison with the Society and submit a reply on 25.03.2015, failing which, the elected President of the Society has to appear before this Court on 26.03.2015.

6. On 25.03.2015, this Court issued Bailable Warrant directing the concerned police to ensure the presence of the third respondent - the elected President on 01.04.2015.

7. On 01.04.2015, the learned counsel for the third respondent made a submission that the third respondent would appear before this Court on 07.04.2015. Accordingly, this writ petition is posted today.

8. The third respondent is present before this Court today and filed a counter-affidavit. There are some allegations made against the petitioner that she was irregular in attendance. However, it is not the case of the third respondent that any order was passed terminating the service of the petitioner. Even according to the third respondent, the third respondent assumed office only on 25.03.2015 and the submission of the Administrator before this Court on 23.03.2015 that the President assumed office on 20.03.2015 is not correct. Hence, the petitioner could not have been terminated from service by the new Board.

9. The petitioner approached this Court even before the elected Board took office apprehending that she could not be continued in service and seeks direction to permit her to continue in the services of the Society as Jewel Appraiser.

10. When the matter is taken up for hearing earlier, this Court expressed its view that just because of change of administration, the Jewel Appraiser could not be sent out and she should be continued in service. Based on the same, the learned Special Government Pleader wrote the letter dated 23.03.2015 and the same was extracted above.

11. Based on the said letter, the Deputy Registrar - the second respondent sent a letter dated 25.03.2015 in Na.Ka.No.477/2015/SP, issuing suitable instructions to the Society to act as per the letter of the learned Special Government Pleader dated 23.03.2015.

12. In these circumstances, the learned counsel for the third respondent has submitted that the service of the petitioner would be continued as a Jewel Appraiser on commission basis. Recording the said statement, this writ petition is disposed of. No costs.

Sd/- सतयमेव जयते
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Joint Registrar of Co-operative Societies,
Salem Region, Salem.
2. The Deputy Registrar of Co-operative Societies,
Omalur Circle, Omalur, Salem.

3. The President,
K.K.238, P.N.Patty Veerakkal Pudur Primary
Agricultural Co-operative Credit Society Ltd.,
Karuppureddiyur Post,
Mettur Taluk, Salem District - 636 404.
4. The Secretary,
K.K.238, P.N.Patty Veerakkal Pudur Primary
Agricultural Co-operative Credit Society Ltd.,
Karuppureddiyur Post,
Mettur Taluk,
Salem District - 636 404.

+1 cc to Government Pleader, SR.19766

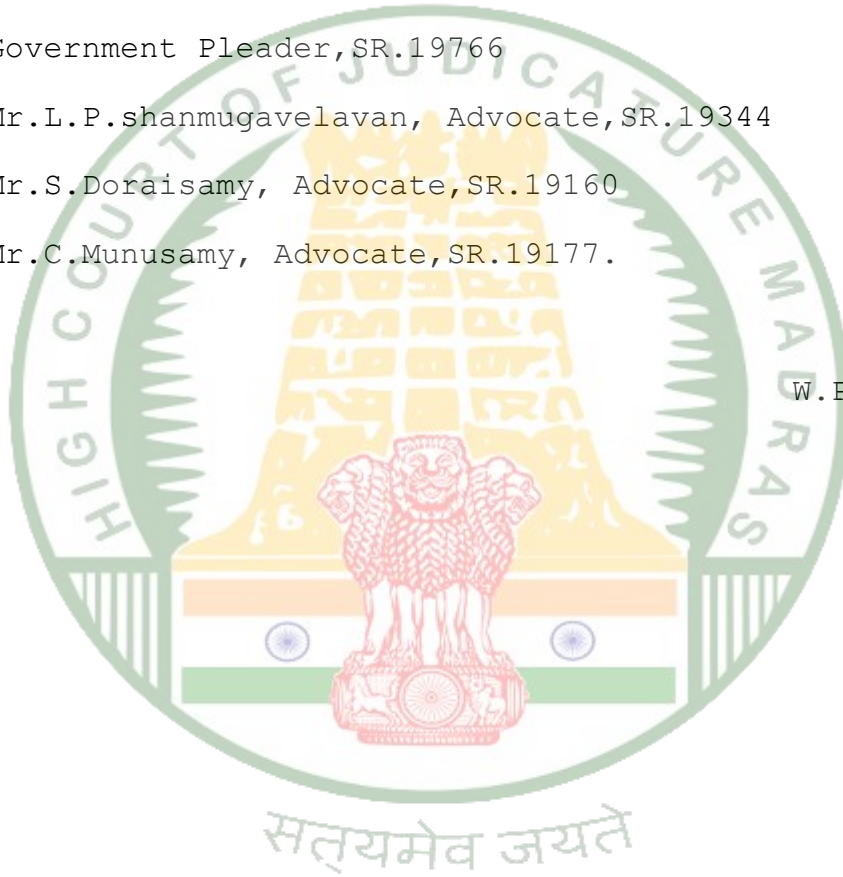
+1 cc to Mr.L.P.shanmugavelavan, Advocate, SR.19344

+1 cc to Mr.S.Doraisamy, Advocate, SR.19160

+1 cc to Mr.C.Munusamy, Advocate, SR.19177.

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krd 16/4

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