

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.14572 of 2017 & M.P. Nos.15794 & 15795 of 2017

K. Ravikumar

Petitioner

vs.

- 1 The Registrar
Annamalai University
Annamalai Nagar
Chidambaram
Cuddalore District 608 002
- 2 The Registrar
Office of the Registrar of Cooperative Societies
Kilpauk
Chennai 600 010
- 3 The Joint Registrar
Office of the Joint Registrar of Cooperatives
Cuddalore 607 001
- 4 The Joint Registrar of Cooperatives
Office of the Joint Registrar of Cooperatives
Karur
Karur District
- 5 Selvakumar Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for records pertaining to the order of transfer passed by the second respondent in Rc.No.61129/2016 dated 30.05.2017, transferring the petitioner from the office of the Deputy Registrar of Cooperative Societies, Vridhachalam to the region of the Joint Registrar of Cooperatives, Karur and quash the same and consequently, direct the first respondent to allow the petitioner to continue in the present place of work, viz., the office of the Deputy Registrar of Cooperatives, Vridhachalam.

For petitioner Mr. G. Pugazhenth

For R1

Mr. P. Godson Swaminathan

For RR 2 to 4

Mr. L.P. Shanmugasundaram
Special Government Pleader

ORDER

This writ petition has been preferred challenging the transfer order dated 30.05.2017 and for a direction to the first respondent to allow the petitioner to continue in the present place of work, viz., the office of the Deputy Registrar of Cooperatives, Vridhachalam.

2 The petitioner was appointed as Office Assistant by the first respondent University vide order dated 13.10.2007 and was posted at the Directorate of Distance Education, Chidambaram, on a consolidated pay of Rs.1,175/- per month. While so, along with others, he was also found as a surplus non teaching staff of Annamalai University as per the proceedings in Rc. No.61129/2016/EM3(1) dated 10.05.2017 of the Registrar of Cooperatives, Chennai. Therefore, he was allotted by the third respondent vide proceedings dated 11.05.2017 to the Vridhachalam region in Cuddalore as Office Assistant on agreement basis and thereafter, vide proceedings dated 30.05.2017 of the second respondent, he was re-allotted to the Karur region. Feeling aggrieved, this writ petition has been preferred seeking the aforestated relief.

3 According to the learned counsel for the petitioner, the petitioner was originally appointed as Office Assistant by the Registrar of Annamalai University vide appointment order no.1932/2007 (C1) dated 13.10.2007 and posted at the Directorate of Distance Education, Annamalai University, Chidambaram, on a consolidated payment of Rs.1,175/- per month temporarily for a period of one year from the date of joining duty and his service was ordered to be continued vide University Order No.1120/2009 (C3) dated 04.11.2009; subsequently, his services were regularised by the first respondent on 30.12.2009 and later, his services were also confirmed by the first respondent on 03.01.2012; while so, when he was found as a surplus non teaching staff by proceedings dated 10.05.2017 of the second respondent and allotted to the Vridhachalam in Cuddalore region, to serve there for a period of three years, once again, he cannot be disturbed or re-allotted to the Karur region; therefore, the impugned order dated 30.05.2017 passed by the second respondent is liable to be interfered with.

4 However, the learned Special Government Pleader, drawing the notice of this Court to condition no. xi of paragraph no.3 of the impugned order dated 10.05.2017 passed by the Registrar of Cooperatives, Chennai, the second respondent herein, submitted that the petitioner cannot file this writ petition as there is no cause of action.

5 Inasmuch as the order dated 10.05.2017 passed by the second respondent herein makes it clear that the petitioner is liable to be transferred to other offices throughout the State during the agreement period, this Court is not able to find any breach of agreement and in such view of the matter, the impugned order warrants no interference.

As a sequitur, this writ petition fails and is accordingly dismissed. No costs. Connected W.M.Ps. are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad

To
1 The Registrar
Office of the Registrar of Cooperative Societies
Kilpauk
Chennai 600 010

+1cc to Government Pleader sr.42118

+1cc to Mr.G.Pugazhenthii,Advocate sr.41332

+1cc to Mr.P.Godson swaminath ,Advocate sr.41521

+1cc to Mr.L.P.Shanmuga Sundaram,Advocate sr.41552

W.P.No.14572 of 2017

nrjk(co)
ss(30/6/2017)

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