



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

C O R A M

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THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.(MD)No.14529 of 2015

and

M.P.(MD)No.1 of 2015

R.Srinivasan

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Tiruchirappalli Region,
Tiruchirappalli.

2.The Deputy Registrar of Cooperative Societies,
Musiri, Tiruchirappalli District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to impugned order of transfer passed by the first respondent vide Na.Ka.1113/2015/A.Pa.A dated 27.07.2015 and quash the same and consequently direct the respondents to permit the petitioner to work either in Thathaiyangarpettai or Thottiyam within Musiri Circle.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.S.Sathesh Kumar
Additional Government Pleader

O R D E R

The petitioner has filed the Writ Petition, challenging the transfer order passed by the first respondent dated 27.07.2015 vide Na.Ka.1113/2015/A.Pa.A and consequently to direct the respondents to permit him to work either in Thathaiyangarpettai or Thottiyam within Musiri Circle.

2.This Court had passed the following order dated 31.08.2017 in M.P.(MD)No.1 of 2015 in W.P.(MD)No.14529 of 2015, which reads as follow:

The petitioner has challenged the order of transfer on three folds, firstly, he contended that he has been transferred from one post to another when he has less than two years of service for retirement. Secondly, when the petitioner has sent four reports bringing out various irregularities that



took place in four Cooperative Societies out of victimization. The petitioner has been chosen for transfer. Thirdly, it is contended that the petitioner is a heart patient and was subjected to coronary Angiogram on various occasions and he was advised not to travel long distance.

2. Although several grounds have been taken for assailing the transfer order, this Court considering the fact that petitioner is left with only less than two years of service for retirement, is not inclined to accept the impugned transfer as it is against transfer policy, hence, there shall be an order of interim stay of observation of the impugned order.

3. Notice.

3. It is submitted by the learned counsel for the petitioner that a representation dated 09.09.2015 along with the interim order passed by this Court was made to the first respondent, but the petitioner was not allowed to join duty at Thathaiyangarpettai and he was again transferred to Musiri Taluk Agricultural Cooperative Marketing Society as Managing Director by order dated 01.10.2015. It is further submitted that when he reported for duty there, the President of the said Society did not allow him to join duty and thereafter he was again transferred to Trichirappalli District Cooperative Bank as Cooperative Sub-Registrar (Execution and Liquidation) by order dated 06.10.2015. As the petitioner did not join duty at Trichirappalli District Cooperative Bank, he was transferred to Lalgudi as Cooperative Sub-Registrar / Field Officer, by order dated 25.04.2016 and he joined duty there without prejudice to the order passed in the Writ Petition dated 27.04.2016. Later, on attaining the age of superannuation, the petitioner was allowed to retire from service on 31.05.2017, while he was working as Cooperative Sub-Registrar / Field Officer, Lalgudi. In these circumstances, the petitioner had claimed that the duty period from 11.09.2015 to 26.04.2016 has to be regularised taking note of the aforesaid subsequent developments, by making representations earlier, which have not been considered on the ground that the present writ petition is pending.

4. Mr. S. Sathesh Kumar, learned Additional Government Pleader appearing for the respondents submitted that if a comprehensive representation is made by the petitioner in this regard, the same would be duly considered and disposed of in accordance with law by the respondents.

5. In view of the aforesaid subsequent developments, nothing survives for adjudication in respect of the order of transfer impugned in the Writ Petition. Having regard to the aforesaid



submissions made by the counsel for both sides, the petitioner is permitted to submit a comprehensive representation on or before 08.12.2017 for regularizing the duty period from 11.09.2015 to 26.04.2016, and if the same is made, the respondents shall dispassionately consider the same and pass reasoned orders on merits and in accordance with law on or before 31.12.2017 and communicate the decision taken to the petitioner. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1.The Joint Registrar of Cooperative Societies,
Tiruchirappalli Region,
Tiruchirappalli.

2.The Deputy Registrar of Cooperative Societies,
Musiri Circle, Musiri,
Tiruchirappalli District.

+1cc to M/S.D.Shanmugaraja Sethupathi, Advocate SR.No. 90303

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29.11.2017

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JM/MR KKR/SAR 1/15.12.2017/3P/4C