

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.02.2019
CORAM:
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.No.21259 of 2014
and
M.P. No.1 of 2014

D. Dhananjayan

... Petitioner

Vs.

1. The Joint Registrar of Co-op Societies,
Cuddalore Region,
Cuddalore,
Cuddalore District.
 2. The Deputy Registrar of Co-op Societies,
Cuddalore Circle, Cuddalore,
Cuddalore District.
 3. The President,
E2645, Kadampuliyur Primary Agricultural
Coop Credit Society,
Kadampuliyur Village & Post,
Panruti Taluk,
Cuddalore District.
- ... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, in the nature of direction to direct the 3rd respondent to permit the petitioner to join duty as Cashier in the 3rd respondent society by implementing the order passed by the 2nd respondent in his proceedings Na. Ka. 430/2012/Tho.Vae.Ku.Ka.Sa, dated 15.07.2014.

For Petitioner : Mr.C. Prakasam

For Respondents : Mr.L.P.Shanmugasundaram

Spl. Government Pleader (Co-operatives)

for RR1 and 2

Mr.M.S. Palaniswamy for R3

ORDER

This petition has been filed seeking a direction to the 3rd respondent to permit the petitioner to join duty as Cashier in the 3rd respondent Society, by implementing the order passed by the 2nd respondent vide his proceedings in Na. Ka.No.430/2012/Tho.Vae.Ku.Ka.Sa, dated 15.07.2014.

2. According to the petitioner, he joined the service as Attender on 13.12.1990 in the 3rd respondent Society. Subsequently, he was promoted as Cashier on 21.12.1998 and was discharging his duties as such. While so, the petitioner took leave from 23.12.2013 to 09.05.2014 on medical grounds. After completion of his medical leave, he reported to join duty on 10.05.2014 before the third respondent, at that time, he was orally directed to report before the District Central Co-operative Bank, on deputation basis. As there was no written direction, the petitioner was not permitted to join duty. Hence, he approached the 2nd respondent, who, in turn, issued the proceedings, dated 15.07.2014, directing the 3rd respondent to permit the petitioner to join duty at the 3rd respondent Society. However, the said order was not complied with by the third respondent, till date. Therefore, the petitioner is before this Court with the present writ petition.

3. The learned counsel for the petitioner submitted that despite the order of the second respondent, the 3rd respondent has not permitted the petitioner to join duty, without assigning any reason. Hence, he prayed for appropriate direction to the third respondent to comply with the order of the second respondent.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that there is a dispute between the respondents 2 and 3, with regard to the issue involved herein and hence, the first respondent may be directed to conduct an enquiry and pass orders, in accordance with law within a time frame to be fixed by this Court.

5. Reiterating the averments made in the counter affidavit filed by the third respondent, the learned counsel for the third respondent submitted that as per the cadre strength, already one employee is in excess and hence, the financial position of the third respondent Society will not permit to meet out the financial expenditure of the petitioner. The learned counsel further submitted that in this regard, the third respondent also sent a report to the second respondent.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the first respondent to conduct an enquiry and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Joint Registrar of Co-op Societies,
Cuddalore Region,
Cuddalore, Cuddalore District.
2. The Deputy Registrar of Co-op Societies,
Cuddalore Circle, Cuddalore,
Cuddalore District.
3. The President,
E2645, Kadampuliyur Primary Agricultural
Coop Credit Society,
Kadampuliyur Village & Post,
Panruti Taluk, Cuddalore District.

+1 cc to Mr.C.Prakasam, Advocate, Sr.No. 18784

+1 cc to Mr.M.S.Palaniswamy, Advocate, Sr.No. 18140

W.P.No.21259 of 2014

EV(CO)
CSL/08.05.2019

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