

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28575 of 2019

and

W.M.P.Nos.28316, 28318 & 28321 of 2019

1.S.Ramesh

2.L.Sandhya

3.N.Loganathan

4.V.Vignasabari

Vs.

... Petitioners

1.The Registrar of Co-operative Societies,
Registrar of Co-operative Societies Office,
No.70, E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010.

2.The Chennai Co-operatives District Recruitment Board,
Additional Registrar,
Co-operative Societies,
Chennai Zonal Office,
No.91, 3rd Floor,
St.Mary's Road,
Abhiramapuram, Chennai - 600 018.

3.The Managing Director/Joint Registrar,
Vellore District Central Co-operative Bank Limited,
Head Office,
No.3, Officers Line,
Vellore - 632 001.

4.Chennai Central Co-operative Bank Limited,
215, Prakasam Salai,
Broadway, Chennai - 600 108.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in Advertisement No.2/2019/DRB/CHN dated 30.08.2019 issued by the 2nd Respondent calling for applications to the post of Assistants in the 2nd

Respondent Bank, quash the same and consequently direct the 2nd Respondent to consider the Petitioners' request for transfer and absorption to the post of Assistants in the 4th Respondent Bank within a time frame.

For Petitioners: Ms.D.Geetha

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader
for Co-operative

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents 1 & 2 to dispose off the representation dated 05.08.2019, for grant of exgratia pension from 26.09.2010 to till date.

2.By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioners is that the State Cooperatives Recruitment Board called for applications and the petitioners were selected through regular recruitment process for appointment in the third respondent Bank. After that they were asked to complete the complete the Cooperative Certificate Course and on completion, they were appointed as Assistants in the third respondent Bank. In the year 2017, they completed their probation. While so, the Government of Tamil Nadu issued a circular to the first respondent with Guidelines for transfer and absorption of employees from non-common cadre services in the Cooperative Societies. Some of the important conditions for transfer and absorption from one Society to another are that the employee should have been appointed on regular basis as per bye laws and the person should have been regularised in the parent Society, the absorbing Society should have the requisite cadre strength and number of vacancies, the employee who applies for absorption should be absorbed in the same post and the employee who applies for absorption will be treated as a newly recruited employee. In order to avail such benefit, the petitioner made a representation as early as on January, February to the first respondent through the third respondent seeking transfer to fourth respondent Bank and till date, the representation was not considered. Hence, the petitioner has come out with the present Writ Petition.

4.The learned counsel for the petitioner would submit that though the petitioner challenged the advertisement dated 30.08.2019, however it would be suffice to issue direction to

the respondents to consider the petitioner representation for transfer and absorption to the post of Assistant in the fourth respondent Bank within the stipulated time fixed by this Court.

5.The learned Special Government Pleader appearing for the respondents would concede the request made by the learned counsel for the petitioner.

6.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioners, this Court hereby directs the third respondent to forward the representation sent by the petitioner to the first respondent within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the first respondent shall pass orders on the same in accordance with law as per the Guidelines for transfer and absorption of employees, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

krk

To

- 1.The Registrar of Co-operative Societies,
Registrar of Co-operative Societies Office,
No.70, E.V.R. Periyar Salai,
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- 2.The Chennai Co-operatives District Recruitment Board,
Additional Registrar, Co-operative Societies,
Chennai Zonal Office,
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- 3.The Managing Director/Joint Registrar,
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Head Office, No.3, Officers Line,
Vellore - 632 001.

4.Chennai Central Co-operative Bank Limited,
215, Prakasam Salai,
Broadway, Chennai - 600 108.

+1cc to Mr.D.Geetha, Advocate, S.R.No. 84059
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No. 83823
+1cc to the Special Government Pleader(CO-OP), S.R.No. 83959

W.P.No.28575 of 2019

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GN(02/12/2019)



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