

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.28122 of 2019
and WMP.Nos.27767,27770 & 27771 of 2019

M.Yugalakshmi

... Petitioner

Vs.

- 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 Madurai Co-operatives District Recruitment Board,
Joint Registrar/President, Co-operative Societies,
Co-operative Societies Joint Registrar/President
Office,
Kanaga Apartment,
Madurai 625 001.
 - 3.The Managing Director/Joint Registrar,
Vellore District Central Co-operative Bank Limited,
Head Office, No.3, Officers Line,
Vellore 632 001.
 - 4.Madurai District Central Co-operative Bank Limited,
No.187, North Veli Street,
Madurai 625 001.
- ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, calling for the records in the Impugned Advertisement No.1 of 2019 dated 19.08.2019 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 petitioner's request for transfer and absorption to the post of Assistant in the 4th Respondent Bank within a time frame.

For Petitioner : Ms.D.Geetha

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner entered into service under the 3rd respondent Bank as Assistant in the year 2016. The State Co-operatives Recruitment Board called for applications for the post of Assistant and the petitioner was selected and short listed for appointment in the 3rd respondent Bank by an order dated 30.03.2015. During selection, the 3rd respondent issued an order asking the petitioner to complete the Co-operative Certificate Course within one year. After completion of said course, the petitioner was appointed as Assistant in the Natrampalli Branch of the 3rd respondent Bank by an order dated 03.03.2016 and her probation was declared and she was regularized in the service as Assistant on 21.04.2017. Due to her family situation, she wish to get transferred to the 4th respondent's office in Madurai. In the meantime, the Government of Tamil Nadu issued a circular to the 1st respondent with guidelines for transfer and absorption of employees from Non-common cadre services in Co-operative 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, he/she should have been regularized 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 will be treated as a newly recruited employee and he/she will not be given service continuation from the parent society and he/she should not ask for service seniority or salary protection. The 1st respondent issued circular to all the Central Co-operative Banks instruction them to strictly adhere to the prescribed guidelines in all cases of transfer and absorption from one Central Co-operative Bank to another. The grievance of the petitioner is that though she made a representation dated 11.02.2019 to the 1st respondent seeking transfer to the 4th respondent Bank, and expressed her willingness to join the 4th respondent as fresh entrant, her representation was not considered.

However, the 2nd respondent has issued the impugned advertisement dated 19.08.2019, inviting applications to the post of Assistants to fill up the existing vacancies. Aggrieved by the same, the petitioner has filed the present petition.

3. Heard Ms.D.Geetha, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operative Societies), appearing on behalf of the respondents.

4. The learned counsel for the petitioner would submit that if vacancies notified in the impugned advertisement are filled up, the petitioner would put into great hardship for getting transfer in the 4th respondent Bank. However, on instructions, the learned counsel for the petitioner submitted that without going into the merits of the case, it would suffice if a direction is issued to the 3rd respondent to consider the representation of the petitioner dated 11.02.2019 and pass orders, within the stipulated time as fixed by this Court.

5. The learned Additional Government Pleader conceded to the submission made by the learned counsel for the petitioner.

6. Thus, without going into the merits of the case, this Court is inclined to direct the 3rd respondent to consider the representation of the petitioner dated 11.02.2019 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Cj conf)

//True Copy//

Sub Assistant Registrar

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To

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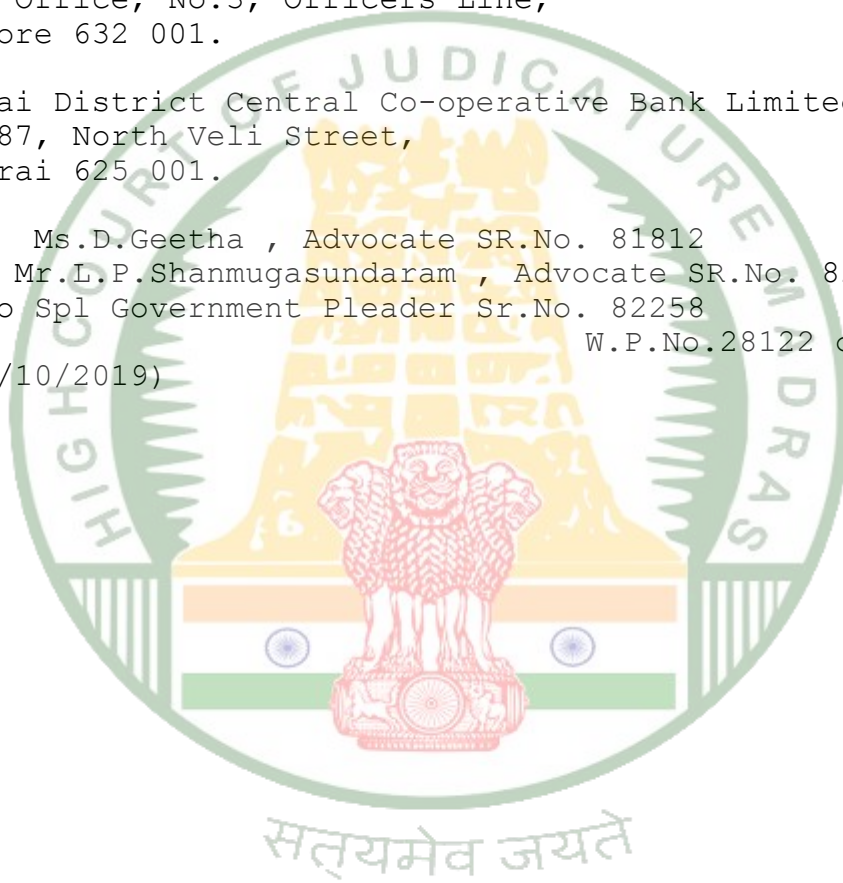
+1cc to Ms.D.Geetha , Advocate SR.No. 81812

+1cc to Mr.L.P.Shanmugasundaram , Advocate SR.No. 8214

+1 cc to Spl Government Pleader Sr.No. 82258

W.P.No.28122 of 2019

A.SK(23/10/2019)



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