

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 30.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM**W.P. (MD) Nos. 17018 & 17019 of 2012****and****M.P (MD) Nos. 1 & 1 of 2012**

V. Bose

... Petitioner in W.P (MD) No. 17018 of 2012

K. Ravi

... Petitioner in W.P (MD) No. 17019 of 2012

Vs.

1. The Secretary to Government,
Department of Co-operative (Food &
Consumer Protection)
Secretariate, Chennai-600 009.
2. The Registrar of Co-operative Societies,
170, EVR Road, Kilpauk,
Chennai-625 010.
3. The Chairman,
The State Recruitment Bureau of Co-op Societies,
Chennai.
4. The Joint Registrar of Co-op Societies,
Madurai Region,
Madurai-625 002. ... Respondents in both writ petitions

PRAYER in 17018 of 2012: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pass suitable orders in respect of absorption of the petitioner and on receipt of such G.O. by directing the second respondent to instruct the fourth respondent to appoint the petitioner for the post of Assistant in the Madurai District Central Co-operative Bank, as in the case of similar liquidated Kothagiri and Theni Districts Urban Co-op Bank Employee's absorption through suitable G.Os.

PRAYER in 17019 of 2012: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pass suitable orders in respect of absorption of the petitioner and on receipt of such G.O. by directing the second respondent to instruct the fourth respondent to appoint the petitioner for the post of Assistant in any one of the Co-operative Bank in Madurai District as in the case of similar liquidated Kothagiri and Theni Districts Urban Co-op Bank Employee's absorption through suitable G.Os.



For Petitioners : Mr.J.Jeyakumaran
For R1 to R4 : Mr.D.Muruganandham,
Additional Government Pleader

WEB COPY

COMMON ORDER

The relief sought for in these writ petitions is for a direction to the first respondent to pass suitable orders in respect of absorption of the petitioners in the Madurai District Central Co-operative Bank, as in the similar case of liquidation, the employees of the liquidated Co-operative Bank were absorbed in other Central Co-operative Bank.

2.The petitioners state that they joined in the services of the Madurai Urban Co-operative Bank as Junior Assistants on 05.06.1998 through the District Employment Exchange. Subsequently, they were promoted to the post of Assistants. The Bank was subsequently liquidated and wound-up, consequently, the writ petitioners were relieved from services along with all other employees, after liquidation. The petitioners set out a claim by stating that they were employee of the Madurai Urban Co-operative Bank and they must be absorbed in Madurai District Central Co-operative Bank since there is a vacancy available. First of all, the writ petition against the co-operative society cannot be entertained in view of the fact that the petitioners have to approach the competent authority under the provisions of the Act for the purpose of redressal of their grievance. This apart, the writ petitioners seek a direction for a purpose of absorbing them in the District Central Co-operative Bank. Such an absorption cannot be granted by the Court and the said decision is to be taken at the administrative level, more specifically, by the Government. On account of the liquidation of the Madurai Urban Co-operative Bank, the petitioners were relieved from the posts. With reference to their claim for reabsorption in District Central Co-operative Bank, the authorities competent has to take a policy decision and accordingly, depute all other employee in some other Bank or society considering the availability of vacancy and with reference to the provisions of Tamil Nadu Co-operative Societies Act. Contrarily, the High Court cannot issue a direction to absorb the writ petitioners in Madurai District Central Co-operative Bank.

3.This being the principles to be followed, the writ petitioners are at liberty to approach the competent authorities under the provisions of the Tamil Nadu Co-operative Societies Act for the purpose of redressal of their grievance for re-absorption and to post them in Madurai District Central Co-operative Bank or in any other Co-operative society by following the procedures contemplated under the Tamil Nadu Co-operative Societies Act.



4. With these observations, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
Department of Co-operative (Food &
Consumer Protection)
Secretariate, Chennai-600 009.
2. The Registrar of Co-operative Societies,
170, EVR Road, Kilpauk,
Chennai-625 010.
3. The Chairman,
The State Recruitment Bureau of Co-op Societies,
Chennai.
4. The Joint Registrar of Co-op Societies,
Madurai Region,
Madurai-625 002.

+1 CC to MR.J.JEYAKUMARAN, Advocate (SR-79180[F] dated 01/08/2019)
+1 CC to SPL GP (SR-78984[F] dated 31/07/2019)

W.P. (MD) Nos. 17018 & 17019 of 2012
30.07.2019

AM

_MK (13.08.2019) 3P 7C