



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19211 of 2019

S.Kamarnisha

... Petitioner

-Vs-

- 1.The Chairman,
District Recruitment Bureau /
Joint Registrar of Co-operative Societies,
Kajamalai, Trichy, Trichy District-620 020.
- 2.The Deputy Registrar of Co-operatives Societies,
Lalgudi Circle, Trichy District.
- 3.The President,
R-766 Kattoor Primary Agricultural
Co-operative Credit Society,
Kattoor, Lalgudi Taluk, Trichy District.
- 4.The Secretary,
R-766 Kattoor Primary Agricultural
Co-operative Credit Society,
Kattoor, Lalgudi Taluk, Trichy District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein more particularly, the respondents 3 and 4 to permit the petitioner to join her duty as a Salesman at the fair price shop in R-766 Kattoor Primary Agricultural Co-operative Credit Society, Kattoor, Lalgudi Taluk, Trichy District in pursuance of the proceedings in Na.Ka.No.1653/2017/Po Vi Thi 1 (2), dated 02.08.2019 issued by the first respondent herein with the time stipulated by this Court.

For Petitioner	: Mr.P.Mahendran
For R1 and R2	: Mr.S.Dhayalan, Government Advocate.
For R3 and R4	: Mr.D.Sadiq Raja

ORDER

This Writ Petition is filed, seeking for a direction to the respondents, more particularly, the respondents 3 and 4 to permit the petitioner to join her duty as a Saleswoman at the fair price shop in R-766 Kattoor Primary Agricultural Co-operative Credit Society, Kattoor, Lalgudi Taluk, Trichy District, in pursuance of the proceedings in Na.Ka.No.1653/2017/Po Vi Thi 1 (2), dated 02.08.2019, issued by the first respondent.



2.The petitioner, in pursuance of the advertisement issued by the first respondent, has applied for the post of Saleswoman, Packers and other posts in various fair price shops and was selected for appointment as Saleswoman. The first respondent appointed the petitioner as Saleswoman in a fair price shop run by the third respondent and directed the third respondent to issue appointment order to the petitioner. After certificate verification, the respondents 3 and 4 were directed to permit the petitioner to join duty.

3.The grievance of the petitioner is that inspite of the said order of the first respondent, the third respondent is not issuing appointment order and not permitting the petitioner to join duty, when she approached the respondents 3 and 4 in person.

4.The learned counsel appearing for the respondents 3 and 4 submitted that while the petitioner was working as Appraiser, she along with the then President misappropriated the amounts of Rs.90 lakhs and in view of the same, the petitioner was not given any appointment order and not permitted to join duty and prayed for suitable orders from this Court.

5.The learned counsel appearing for the petitioner in reply submitted that the petitioner was appointed only on temporary basis by the then President. The petitioner has not involved in any misconduct. The third respondent is not entitled to initiate any proceedings against the petitioner for misappropriation, if any, by the then President. In view of some misunderstanding between the then President and the third respondent, the petitioner is penalized by not obeying the order of the first respondent. Moreover, the petitioner was appointed for a limited period as Attender on temporary basis.

6.The learned Government Advocate appearing for the respondents 1 and 2 submitted that the first respondent is the authority and he has appointed the petitioner as a Saleswoman in the fair price shop run by the third respondent and directed the third respondent to issue appointment order and permitted her to work in the fair price shop run by the third respondent.

7.From the materials on record, it is seen that the petitioner was selected, after due process of selection, as she is possessing necessary qualification. The first respondent has appointed the petitioner to the third respondent society as a Saleswoman. Inspite of the order of the first respondent, the third respondent is refusing to issue appointment order to the petitioner and permit her to join duty. The third respondent is bound by the orders of the first respondent, as the first respondent has



selection is made by the first respondent, after due process of selection and considering the eligibility of the applicant.

8. For the above reason, the third respondent is directed to issue appointment order to the petitioner, as per the order of the first respondent, within a period of one week from the date of receipt of a copy of this order and permit the petitioner to join duty, immediately.

7. With the above direction, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Chairman,
District Recruitment Bureau /
Joint Registrar of Co-operative Societies,
Kajamalai, Trichy, Trichy District-620 020.

2. The Deputy Registrar of Co-operatives Societies,
Lalgudi Circle, Trichy District.

+1 CC to M/s.D. SADIQ RAJA, Advocate (SR-91032[F] dated 03/10/2019)

+1 CC to M/s.GP (SR-91187[F] dated 03/10/2019)

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