



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) Nos.20108 to 20110 and 20113 of 2019

and

W.M.P. (MD)Nos.16647 to 16650 of 2019

S.Ilangovan	...	Petitioner in W.P. (MD)No.20108 of 2019
V.Karuppanan	...	Petitioner in W.P. (MD)No.20109 of 2019
S.Karuppasamy	...	Petitioner in W.P. (MD)No.20110 of 2019
N.Govindan	...	Petitioner in W.P. (MD)No.20113 of 2019

-Vs-

1.The Joint Registrar / Common Cadre Authority,
O/o. Joint Registrar of Co-operative Societies,
Collectorate Campus, Ramnad Post and District.

... 1st Respondent in all W.Ps.

2.Q-1266 Pottagavayal Primary Agricultural
Co-operative Societies,
Represented through its President,
Pottagavayal, Nainarkovil,
Paramakudi T.K.Ramnad District.

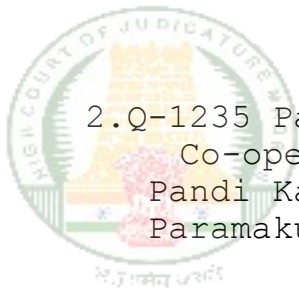
... 2nd Respondent
in W.P. (MD)No.20108 of 2019

2.RR 1399 Keelakulam Primary Agricultural
Co-operative Societies,
Represented through its President,
Keelakulam, Mudukulathur T.K.
Ramnad District.

... 2nd Respondent
in W.P. (MD)No.20109 of 2019

2.Q-953 Alanganur Primary Agricultural
Co-operative Societies,
Represented through its President,
Mudukulathur T.K.
Ramnad District.

... 2nd Respondent
in W.P. (MD)No.20110 of 2019



2.Q-1235 Pandi Kanmani Primary Agricultural
Co-operative Societies,
Pandi Kanmani Post,
Paramakudi T.K.Ramnad District.

... 2nd Respondent
in W.P.(MD)No.20113 of 2019

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent, dated 16.07.2019, bearing Na.Ka.No.3246/2019/Kava(1), Na.Ka.No.3246/2019/Kava(6), Na.Ka.No.3246/2019/Kava(15) and Na.Ka.No.3246/2019/Kava(9) and quash the same and direct the first respondent not to disturb the petitioners' position in the second respondents' society respectively.

For Petitioner : Mr.C.G.Pethanaraj
(in all Writ Petitions)

For Respondents : Mr.S.Dhayalan,
(in all Writ Petitions): Government Advocate.

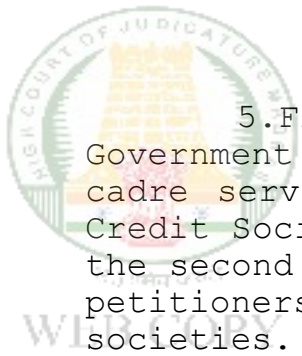
COMMON ORDER

Since the issues involved in these Writ Petitions are one and the same, these Writ Petitions are heard together and disposed of by way of this common order.

2.Heard Mr.C.G.Pethanaraj, learned counsel appearing on behalf of the petitioners and Mr.S.Dhayalan, learned Government Advocate, who takes notice on behalf of the respondents.

3.The order of the first respondent, dated 16.07.2019, is sought to be quashed in the present Writ Petitions and further direction sought for is to direct the first respondent not to disturb the petitioners' position in the second respondents' society.

4.All the petitioners are working as Secretaries in the second respondent Society. The Government issued G.O.Ms.No.14, dated 12.02.2019, constituting common cadre service for the post of Secretary of Primary Agricultural Co-operative Credit Societies. According to the petitioners, though rules were framed, they are not implemented. The seniority list for the Secretaries of the common cadre service, is not prepared and published. The first respondent, without collecting the service register of Secretaries and without maintaining the service records, has passed the impugned order in a hurried manner. Therefore, he prayed to quash the order of transfer and to allow the Writ Petitions.



5.From the materials on record, it is seen that the Government by G.O.Ms.No.14, dated 12.02.2019, constituted a common cadre service for Secretaries of Primary Agricultural Co-operative Credit Societies. All the petitioners are working as Secretaries in the second respondent Society. They are known as common cadre. The petitioners are transferred from their existing societies to other societies. The petitioners are challenging the order of transfer on the ground that service registers of Secretaries in common cadre are not collected by the first respondent and no record is kept, no seniority list in the common cadre is prepared and published. These grounds are not valid for quashing the order of transfer. As per Clause 18 of G.O.Ms.No.14, dated 12.02.2019, the first respondent can *suo motu* transfer the Secretary in common cadre service or at the request of the concerned Primary Agricultural Co-operative Credit Societies. Clause 18 of the said Government Order reads as follows:-

"18.Posting and transfer: (1) The transfer of the Common Cadre Employee may be made by the Common Cadre Authority suo-motu or at the request of the Primary Agricultural Co-operative Credit Societies concerned. The Common Cadre Authority shall order a transfer of a Common Cadre Employee when directed by the Registrar of Co-operative Societies. No Common Cadre Employee shall be posted to the parent society or to a Society which is situated in his native village:

Provided that a Common Cadre Employee whose Parent Primary Agricultural Co-operative Society is "A" Class shall be transferred only to "A" Class Primary Agricultural Co-operative Credit Society. Similarly, a Common Cadre Employee whose Parent Primary Agricultural Co-operative Credit Society is "B" Class shall be transferred to "B" Class Primary Agricultural Co-operative Credit Society and a Common Cadre Employee whose Parent Primary Agricultural Co-operative Credit Society is "C" Class shall be transferred to "C" Class Primary Agricultural Co-operative Credit Society only.

(2) The Common Cadre Authority may also effect transfer on ground of financial irregularity or mismanagement."

6.As per the said Clause, the petitioners are transferred from their existing Primary Agricultural Co-operative Societies. The petitioners have not made any grounds to set aside the order of transfer. Therefore, the impugned order of the first respondent, dated 16.07.2019, is confirmed.



7.In the result, these Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Ad-II)

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Sub Assistant Registrar(CS)

To

1.The Joint Registrar / Common Cadre Authority,
O/o. Joint Registrar of Co-operative Societies,
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