



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
W.P. (MD) Nos.20263, 20267, 20272, 20273,
20276 and 20279 of 2019
and
W.M.P. (MD)Nos.16866, 16871, 16876, 16880,
16886, 16889 and 16902 of 2019

WEB COPY

K. Rajapandi	... Petitioner in WP(MD). 20263/ 2019
S.Muthuramalingam	... Petitioner in WP(MD). 20267/ 2019
J.Ramesh Kumar	... Petitioner in WP(MD). 20272/ 2019
T.Backiam	... Petitioner in WP(MD). 20273/ 2019
Ramakrishnan	... Petitioner in WP(MD). 20276/ 2019
C.Govindan	... Petitioner in WP(MD). 20279/ 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 the Petitions

2.Q-1284 Pakkuvetti Primary Agricultural
Co-operative Societies,
Represented through its President,
Pakkuvetti Post,
Muthukulathur Taluk
Ramnad District

...2nd Respondent in WP(MD)No.20263/2019

RR 1453 Kathanenthal Primary Agricultural,
Co-Operative Societies, Rep.Thro.Its President, Kathanenthal Po,
Kamuthi Tk, Ramnad District

... 2nd Respondent in WP(MD). 20267/ 2019

RR 1406 Kamuthi Primary Agricultural,
Co-Operative Societies, Rep.Thro.Its President,
Kamuthi Po, Kamuthi Tk, Ramnad District

... 2nd Respondent in WP(MD). 20272/ 2019



Q 1264 Keelaramanathi Primary Agricultural,
Co-Operative Societies, Rep.Thro.Its President,
Keelaramanathi Po, , Kamuthi Tk, Ramnad District

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...2nd Respondent in WP(MD). 20273/ 2019

A 919 Naripaiyur Primary Agricultural, Co-Operative Societies,
Rep.Thro.Its President, Naripaiyur Po,
Kadalathi Tk, Ramnad District

...2nd Respondent in WP(MD). 20276/ 2019

Q 1223 M.Pudukottai Primary Agricultural,
Co-Operative Societies, Rep.Thro.Its President,
M.Pudukottai Po, Kamuthi Tk, Ramnad District

...2nd Respondent in WP(MD). 20279/ 2019

PRAYER in W.P(MD).No.20263 of 2019: 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(19) (7) (11) (21) (4) (2) and quash the same and direct the first respondent not to disturb the petitioners' position in the second respondents' society.

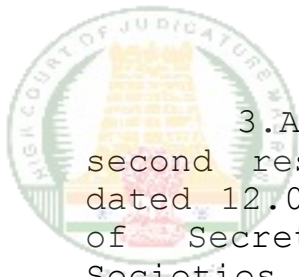
For Petitioner : Mr.C.G.Pethanaraj
(in all Writ Petitions)

For Respondents : Mr.V.R.Shanmuganathan
(in all Writ Petitions): Special Government Pleader

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.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.



3.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.

4.Heard Mr.C.G.Pethanaraj, learned counsel appearing on behalf of the petitioners and Mr.V.R.Shanmuganathan, learned Special Government Pleader, who takes notice on behalf of the respondents.

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 (CO)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS)

msa

To

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

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Kamuthi Po, Kamuthi Tk, Ramnad District



5. Q 1264 Keelaramanathi Primary Agricultural,
Co-Operative Societies, Rep.Thro.Its President,
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6. A 919 Naripaiyur Primary Agricultural,
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Naripaiyur Po, Kadalathi Tk, Ramnad District

7. Q 1223 M.Pudukottai Primary Agricultural,
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1CC TO THE SPL GOVT PLEADER SR 88545

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KM/21.10.2019/5P/9C_