



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.20427 of 2019

and

W.M.P(MD)Nos.17071 & 17072 of 2019

Kasi Lakshmi

... Petitioner

vs.

- 1.The Registrar of Co-operative Societies,
Chennai.
- 2.The Joint Registrar of Co-operative Societies /
The Common Cadre Officer,
Office of the Joint Registrar of Co-operative Societies,
Tuticorin.
- 3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Tuticorin.
- 4.The President,
TN Special 93 Oothupatti Primary Agricultural
Co-operative Credit Society Limited,
Oothupatti, Vilathikulam Taluk,
Tuticorin District.
- 5.The President,
TN Special 90 Kottur Primary Agricultural
Co-operative Credit Society Limited,
Kottur, Vilathikulam Taluk,
Tuticorin District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the impugned order of transfer passed by the second respondent in Na.Ka.No.3651/2019, Tho.Ve.Sa.(17), dated 16.07.2019 transferring the petitioner from the fourth respondent Society to the the fifth respondent Society and to quash the same.



For Petitioner : Mr.K.R.Laxman
For RR 1 to 4 : Mr.S.Dhayalan,
Government Advocate.
For R - 5 : Mr.J.Gunaseelan Muthiah

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ORDER

The petitioner has challenged the impugned order, dated 16.07.2019 passed by the second respondent, transferring her from the fourth respondent Society to the fifth respondent Society.

2.Mr.S.Dhayalan, learned Government Advocate accepts notice on behalf of the respondents 1 to 4 and Mr.J.Gunaseelan Muthiah, learned counsel accepts notice on behalf of the fifth respondent.

3.According to the petitioner, she is working as a Secretary in the fourth respondent Society. By the impugned order, she was transferred to the fifth respondent Society. Further, according to the petitioner, as per Section 136(D)(2) of the Tamil Nadu Co-operative Societies Act, each Society is an autonomous body and the respondents 2 and 3 cannot interfere with the day to day affairs of the Society. The enactment viz., Tamil Nadu Primary Agricultural Co-operative Credit Societies Common Cadre Service Rules, 2019, cannot be contradictory to the Tamil Nadu Co-operative Societies Act. The petitioner is receiving a sum of Rs.39,480/- in the fourth respondent Society, wherein, the salary paid to the Secretary by the fifth respondent is only Rs.7,993/- and therefore, prayed for allowing the Writ Petition.

4.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

5.The contention of the learned counsel for petitioner that the transfer without consent of the Society or at the request of the Society is contrary to Section 136(D)(2) of the Tamil Nadu Co-operative Societies Act and the respondents 2 and 3 have no power to interfere with day to day affairs of the Society and that the petitioner will be paid less salary of Rs.7,993/-, are without merits.

6.From the materials placed on record, it is seen that the Government by G.O.Ms.No.14, Co-operation, Food and Consumer Protection (CN1) Department, dated 12.02.2019, formed Common Cadre service for Secretaries of Primary Agricultural Co-operative Societies. Based on the said G.O, Rules are framed with regard to Common Cadre. As per the said Rules, respondents 2 and 3 have power to transfer a Secretary of the Primary Agricultural Co-operative Credit Society to another Primary Agricultural Co-operative Credit Society. The petitioner has not challenged the Government Order



based on which Rules are framed. Further, paragraph No.8 of the said G.O, reads as follows:

'8.Salary, Allowances and Service benefits. The scales of pay, allowances and other service benefits of Common Cadre Employees shall be decided by the Registrar from time to time. Till such time Common Cadre employees will draw the pay and allowances as they presently draw.'

7.In view of the above material, the present Writ Petition is liable to be dismissed and accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Registrar of Co-operative Societies, Chennai.
- 2.The Joint Registrar of Co-operative Societies /
The Common Cadre Officer,
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- 3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
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TN Special 90 Kottur Primary Agricultural
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Kottur, Vilathikulam Taluk, Tuticorin District.

+1 CC to GP SR-88863.

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