



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20288 of 2019

and

W.M.P. (MD) Nos.16898 and 16900 of 2019

L.Karnan

... Petitioner

-Vs-

- 1.The Registrar of Co-operative Societies
No.170, E.V.R Periyar High Road
Keelpauk, Chennai
 - 2.The Joint Registrar of Co-operative Societies
Trichy Region
Trichy
 - 3.The Deputy Registrar of Co-operative Societies
Trichy Region
Trichy
 - 4.The President
M.M.355, Kovilpatti Primary Agricultural Co-operative Society
Kovilpatti
Marungapuri Taluk
Trichy
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order of the petitioner transfer by the impugned proceedings of the 4th respondent dated 10.09.2019 from M.M.355, Kovilpatti Primary Agricultural Co-operative Society at Kovilpatti Post, Marungapuri Taluk, Trichy to M.M.363 Valanadu Primary Agricultural Co-operative Society, Marungapur Taluk, Trichy District and to quash the same as illegal and consequently, direct the 1st and 2nd respondents to consider the



representation of the petitioner dated 13.09.2019 by allowing the petitioner to serve as Secretary to the MM 355 Kovilpatti Primary Agriculatural Co-operative Society at Kovilpatti Post, Maruthagudi Taluk, Trichy District.

WEB COPY

For Petitioner : Mr.C.M.Arumugam
For Respondent No.1 to 3 : Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader
For Respondent No.4 : Mr.D.Muruganandham
Additional Government Pleader

ORDER

The petitioner has come out with the present writ petition challenging the order passed by the 4th respondent dated 10.09.2019 to transfer the petitioner from the present Society to another Society namely, MM 363 Valanadu Primary Agricultural Co-operative Society.

2.According to the petitioner, the transfer place is 25 kms away from his residence. He is suffering from hearing impairment and he is not having good health. The fourth respondent, after passing the impugned order to relieve the petitioner, on 12.09.2019 passed a resolution in favour of the petitioner and sent the same to the other respondents requesting them not to transfer the petitioner from the present place for the welfare of the Society. The petitioner also gave representation, dated 13.09.2019, to the respondents 1 and 2 to allow him to serve as Secretary in the fourth respondent society.

3.Heard Mr.C.M.Arumugam, learned counsel appearing on behalf of the writ petitioner, Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and Mr.D.Muruganandham, learned Additional Government Pleader appearing on behalf of the 4th respondent.

4.The petitioner is working as Secretary in the fourth respondent Society. The said post is transferable one. The transfer is an incident of service and no employee has any vested right to claim posting at a particular place of his choice. In the absence of any arbitrariness or malafides, it is not open to the petitioner to challenge the transfer order. The petitioner has not alleged any such reason for quashing the said order of transfer.

5.In view of the same, this Writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.



6.At this juncture, the learned counsel for the petitioner submitted that the petitioner has given representation to the respondent Nos.1 and 2 to permit him to serve as Secretary in the fourth respondent society. Considering the submission made by the learned counsel for the petitioner, it is open to the petitioner to give representation to the concerned respondent to serve as Secretary in the fourth respondent Society.

Sd/-
Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

msa

To

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Keelpauk, Chennai
- 2.The Joint Registrar of Co-operative Societies
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- 4.The President
M.M.355, Kovilpatti Primary Agricultural Co-operative Society
Kovilpatti
Marungapuri Taluk
Trichy

+1 CC to M/s.GP (SR-88561[F] dated 23/09/2019)

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-88703[F] dated 23/09/2019)

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JM/11.10.2019/3P/7C