



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.20420 of 2019

and

W.M.P(MD)Nos.17069 & 17070 of 2019

The President,
TNSPL 49, Vallinayagipuram Primary Agricultural
Co-operative Credit Society Limited,
Ottapidaram Taluk,
Thoothukudi District.

... 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,
Thoothukudi.

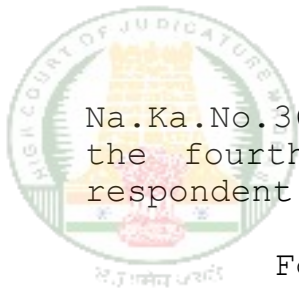
3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Kovilpatti.

4.Velmurugan
Secretary, Tnspl 49,
Vallinayagipuram Primary Agricultural
Cooperative Credit Society Limited,
Vallinayagaipuram, Ottapidaram Taluk,
Thoothukudi District.

5.The President,
0.787, Veppalodai Primary Agricultural
Co-operative Credit Society Limited,
Veppalodai, Ottapidaram Taluk,
Thoothukudi 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.(19), dated 16.07.2019 transferring the fourth respondent from the petitioner Society to the fifth respondent Society and to quash the same.

For Petitioner : Mr.K.R.Laxman

For RR 1 to 3 : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

For R - 5 : Mr.J.Gunaseelan Muthiah

ORDER

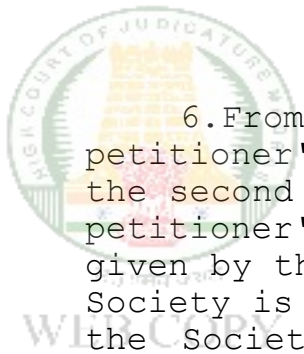
The petitioner, who is the President of the Vallinayagipuram Primary Agricultural Co-operative Credit Society, is challenging the impugned order, dated 16.07.2019, passed by the second respondent, transferring the fourth respondent to the fifth respondent / Veppalodai Primary Agricultural Co-operative Credit Society Limited.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.J.Gunaseelan Muthiah, learned counsel accepts notice on behalf of the fifth respondent.

3.According to the petitioner, the petitioner's Society is having turnover of 1.85 crores, which comes under 'B' category and the fifth respondent Society also comes under 'B' category, but its turn over is 8 crores. The petitioner is paying a sum of Rs.28,000/- per month to the fourth respondent, who is working as a Secretary in the petitioner's Society. The Secretary, who is working in the fifth respondent Society, is drawing a sum of Rs.42,000/- per month. If the order is implemented, there will be a heavy loss to the petitioner's Society, as the petitioner's Society has to pay the high salary to the Secretary of the fifth respondent Society. The transfer of the fourth respondent to the fifth respondent Society as Secretary is violative of Rule 18 of the Tamil Nadu Primary Agricultural Co-operative Credit Societies Common Cadre Service Rules, 2019 and prayed for allowing the Writ Petition.

4.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3, submitted that the petitioner's Society has no *locus standi* to challenge the order of transfer passed by the second respondent and prayed for dismissal of the Writ Petition.

5.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fifth respondent.



6.From the perusal of the records, it is seen that the petitioner's Society has challenged the order of transfer passed by the second respondent by transferring the fourth respondent from the petitioner's Society to the fifth respondent Society and the reason given by the petitioner for challenging the same that the petitioner Society is successful and profitable due to the present employees of the Society, is not valid. As rightly contended by the learned Additional Government Pleader, the petitioner has no *locus standi* to question the order of transfer.

7.For the above stated reason, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

ps
To

- 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,
Thoothukudi.
- 3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Kovilpatti.
- 4.Velmurugan
Secretary, Tnspl 49,
Vallinayagipuram Primary Agricultural
Cooperative Credit Society Limited,
Vallinayagaipuram, Ottapidaram Taluk,
Thoothukudi District.
- 5.The President,
0.787, Veppalodai Primary Agricultural
Co-operative Credit Society Limited,
Veppalodai, Ottapidaram Taluk,
Thoothukudi District.

+1 CC to M/s.GP (SR-88857[F] dated 24/09/2019)

W. P (MD) No. 20420 of 2019
23.09.2019