



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20437 of 2019

and

W.M.P. (MD) No.17079 of 2019

WEB COPY

M.Sekar

... Petitioner

-Vs-

1. The Joint Registrar of Co-operative Societies,
Tirunelveli Region.
2. Deputy Registrar of Co-operative Societies,
Cheranmahadevi, Tirunelveli District.
3. The President,
Panagudi Primary Agricultural Co-operative
Credit Society,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records in Na.Ka.No.3944/2019 tho.ve.sa(1), dated 16.07.2019 on the file of the first respondent and quash the same.

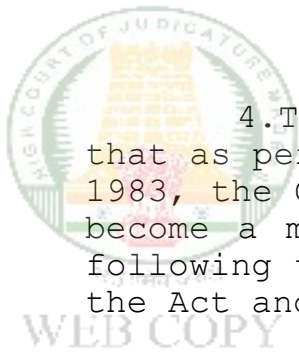
For Petitioner : Mr.S.Kumar
For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

ORDER

Heard Mr.S.Kumar, learned counsel appearing on behalf of the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader, who takes notice on behalf of the respondents.

2.The order of transfer, dated 16.07.2019, issued by the first respondent, is sought to be quashed in the present Writ Petition.

3.According to the petitioner, he is working as Secretary in the third respondent Society and he has been transferred to Moothumothan Mozhi Primary Agricultural Society. According to the petitioner, the transferred place is 50 kms., away from Panagudi and he underwent surgery for appendicitis and the Doctor advised him to avoid long travel.



4.The learned counsel appearing for the petitioner submitted that as per Section 75 of the Tamil Nadu Co-operative Societies Act, 1983, the Government must get consent from the concerned employee to become a member of common cadre service. The Government, without following the mandatory provisions, formed common cadre, contrary to the Act and he prayed for allowing this Writ Petition.

5.The learned Special Government Pleader appearing for the respondents submitted that by G.O.Ms.No.14, Co-operative Food and Consumer Protection Department, dated 12.02.2019, the Government formed common cadre for Secretaries of Tamil Nadu Co-operative Primary Agricultural Co-operative Credit Societies. Based on the said Government Order, rules are framed with regard to the common cadre service. As per the said rule, the respondents 2 and 3 have power to transfer the Secretary of the Primary Agricultural Co-operative Bank or Society to another Primary Agricultural Co-operative Bank or Society. The petitioner has not challenged the Government Order, based on which, the Rules are framed.

6.The reasons given by the petitioner to quash the order of transfer are not valid. The petitioner is transferred as per the Rules framed for common cadre service. Further, transfer is an incident of service. The Writ Petition is devoid of merits and liable to be dismissed.

7.For the above reasons, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Joint Registrar of Co-operative Societies,
Tirunelveli Region.
2. Deputy Registrar of Co-operative Societies,
Cheranmahadevi, Tirunelveli District.
3. The President,
Panagudi Primary Agricultural Co-operative
Credit Society,
Tirunelveli District.

+1 CC to spl.GP (SR-89397[F] dated 25/09/2019)

W.P. (MD) No.20437 of 2019

23.09.2019

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