



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2019

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.21373 of 2019
and
W.M.P.(MD)No.18024 of 2019

D.Chelladurai

... Petitioner

vs.

1.The Joint Registrar/President,
Co-operative Societies,
District Recruitment Office,
Dindigul.

2.The President,
Puthu Ayakudi Primary Agricultural
Co-operative Credit Societies,
Puthu Ayakudi, Palani Taluk,
Dindigul District.

3.Mr.Abdul Farook,
The President,
Puthu Ayakudi Primary Agricultural
Co-operative Credit Societies,
Puthu Ayakudi, Palani Taluk,
Dindigul District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents herein to permit the writ petitioner to join in the service of the second respondent Society as Salesman as per the posting order in Na.Ka.No.2012/2017/Po.Vi.Thi.1, dated 13.09.2019, issued by the first respondent, forthwith.

For Petitioner : Mr.AL.Kannan

For R1 : Mr.S.Dhayalan
Government Advocate

For R2 : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents herein to permit the writ petitioner to join in the service of the second respondent Society as Salesman as per the posting order in Na.Ka.No.2012/2017/Po.Vi.Thi.1, dated 13.09.2019, issued by the first respondent, forthwith.

2.The petitioner has applied for appointment to the post of Salesman in response to the notification issued by the first respondent, in the year 2017. The petitioner was provisionally selected and appointed in the second respondent Society as Salesman. According to the petitioner, when he reported to the second respondent Society for joining, the third respondent demanded Rs.1,00,000/- for issuing appointment order and threatened the petitioner that if he fails to pay the said amount, he will give appointment order to some other person by receiving more money. On these allegations, the petitioner has come out with the present Writ Petition.

3.The learned Government Advocate appearing for the first respondent, has produced a letter addressed to the first respondent, dated 03.10.2019, wherein the second respondent has stated that the selected persons, who were allotted to the second respondent Society, failed to report for certificate verification, therefore, he is not a position to permit them to join duty. The learned Government Advocate referring to W.P.(MD)No.21559 of 2019 filed by one S.Kalidas, submitted that depending upon the result of the said Writ Petition and the present Writ Petition, posting orders will be issued. Further, the learned Government Advocate, on instructions from N.Rajangam, Superintendent from the first respondent's Office, who was present in the Court, submitted that now two vacancies are available in Palani Co-operative Marketing Society. The learned Government Advocate has also produced a proceeding of the first respondent in Na.Ka.No.2012/2017/Po.Vi.Thi.1, dated 11.10.2019 and submitted that the first respondent has directed the second respondent to issue appointment orders to the petitioner and one K.Dineshkumar on or before 14.10.2019, failing which, necessary proceedings will be initiated against the second respondent.

4.I have heard the learned counsel appearing for the parties and perused the materials on record.

5.From the materials on record, it is seen that there are rival contentions. The learned counsel appearing for the petitioner submitted that petitioner reported along with his certificates for joining duty as per the directions of the first respondent before the second respondent, but the second respondent did not permit him to join duty, but demanded money. On the other hand, it is the contention of the learned Additional Government Pleader appearing



for the second respondent that the petitioner did not report for certificate verification and failed to join duty. The fact remains that the petitioner was selected, but has not joined duty. Now, it is stated by the learned Government Advocate that there are two vacancies in the nearby Society.

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6. In view of the rival contentions and allegations of demanding money made against the third respondent, to put a quietus to the issue, the first respondent is directed to accommodate the petitioner in the nearby Society viz., Palani Co-operative Marketing Society in the exiting available vacancy and report the same to this Court on or before 06.11.2019.

7. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Post the Writ Petition on 06.11.2019, for reporting compliance.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Joint Registrar/President,
Co-operative Societies,
District Recruitment Office,
Dindigul.
2. The President,
Puthu Ayakudi Primary Agricultural
Co-operative Credit Societies,
Puthu Ayakudi, Palani Taluk,
Dindigul District.
3. The Section Officer, Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 94268

W.P. (MD) No. 21373 of 2019
23.10.2019

na (CO)
TR(24.10.2019) 3P 5C