

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8767 of 2020

and

W.M.P.No.10644 of 2020

K.Kumaran,
S/o.Kannappa Mudaliar,
Secretary,
C.2553, Kommeswaram Primary
Agricultural Co-operative Credit Society Ltd.,
No.121/32B, Reddy Thoppu, Asnambut Road,
Ambur - 635 802,
Thiruppatur District.

Petitioner

versus

- 1.The Registrar of Co-operative Societies,
EVR Periyar Road, Kilpauk,
Chennai - 600 010.
- 2.The Joint Registrar of Co-operative Societies,
Vellore Region, Vellore.
- 3.The Deputy Registrar,
Deputy Registrar of Co-operative Societies,
Thiruppatur, Thiruppatur District.
- 4.The President,
C.2553, Kommeswaram Primary
Agricultural Co-operative Credit Society Ltd.,
No.121/32B, Reddy Thoppu, Asnambut Road,
Ambur - 635 802, Thiruppatur District...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pass an order for posting the petitioner consequent to the relieving order issued by Arokonam Co-operative Urban Bank Ltd., in Letter No.Nil dated 31.05.2020 in the parent unit viz. the fourth respondent Society or to accommodate the petitioner in the existing vacancy available at Arokonam Co-operative Urban Bank Ltd, or to transfer and post the petitioner in the vacancy at Syenampattadai, Valathur Primary Agricultural Co-operative Credit Society on deputation with effect from 01.06.2020, based on the representation submitted by the petitioner dated 01.06.2020 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
For Respondent Nos.1 to 3: Mr.L.P.Shanmugasundaram
Special Government Pleader
For Respondent No.4 : Mr.S.Sairaman

O R D E R

By consent, the Writ Petition is taken up for final disposal at the admission stage itself, through Video Conferencing.

2. It is the case of the petitioner that he was appointed as clerk on 01.03.1989 in the fourth respondent Society and was regularised from 10.04.1990. After getting promotion to various cadres, he ultimately got promotion to the post of Secretary on 28.05.2009. In the year 2013, Co-operative Election was conducted and the elected body took over the Management of the fourth respondent Society and they suddenly stopped payment of salary to the petitioner and subsequently, placed him under suspension. Following the same, a charge memo was issued to the petitioner and thereafter, enquiry was conducted and the Enquiry Officer submitted a report dated 04.09.2015 holding that the charges are not proved. In the meanwhile, the petitioner filed a Revision Petition before the second respondent against the order of suspension dated 09.06.2014. By order dated 16.12.2015, the second respondent revoked the order of suspension and directed the fourth respondent to reinstate him into service. Pursuant to the said order passed by the second respondent, the petitioner submitted a representation dated 17.12.2015 to the fourth respondent seeking to reinstate him into service, but he was not allowed to join duty. While so, the second respondent issued an order dated 22.02.2017 posting the petitioner as Assistant/ Cashier in Arakkonam Co-operative Urban Bank Ltd. on deputation. Accordingly, the petitioner joined on 23.02.2017 and continued to work, however, he was relieved from the said post, on 31.05.2020 stating that the period of deputation was over. On 01.06.2020, he reported to the fourth respondent for joining duty, but he was not permitted to do so. Hence, the petitioner submitted a representation dated 01.06.2020, to the second respondent requesting to transfer and post him in the existing vacancy in Arakkonam Co-operative Urban Bank Ltd, or in the vacancy available at Syenampattadai, Valathur Primary Agricultural Co-operative Credit Society, with continuity of service. However, the said representation is pending without any action, which compelled him to file this writ petition for appropriate relief.

3. Heard Mr.G.Sankaran, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader taking notice for the respondents 1 to 3 and Mr.S.Sairaman, learned counsel taking notice for the fourth respondent and also perused the materials placed before this Court.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, without going into the merits of the case, the second respondent is directed to consider the representation of the petitioner dated 01.06.2020 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the fourth respondent, within a period of two (2) weeks from the date of uploading the copy of this order in the web site.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sri

To

1.The Registrar of Co-operative Societies,
EVR Periyar Road, Kilpauk,
Chennai - 600 010.

2.The Joint Registrar of Co-operative Societies,
Vellore Region, Vellore.

3.The Deputy Registrar,
Deputy Registrar of Co-operative Societies,
Thirupattur, Thirupattur District.

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