



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.7714 of 2020

and

W.M.P. (MD) No.7203 of 2020

(Through Video conferencing)

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Tharani

...Petitioner

-Vs-

- 1.The Joint Registrar,
Joint Registrar of Co-operative Society Office,
Madurai Zone.
- 2.The Deputy Registrar,
Deputy Registrar of Co-operative Society Office,
Usilampatti Region at Thirumangalam,
Madurai District.
- 3.The Co-operative Sub Registrar/Liquidator,
109, Vandalur Primary Agriculture Co-operative
Credit Society,
Vandalur Post, Usilampatti Taluk,
Madurai District.
- 4.The Co-operative Sub Registrar/Administrator,
M.U.8, Usilampatti Taluk Agriculture Producers
Co-operative Marketing Society,
Usilampatti, Madurai District.

...Respondents

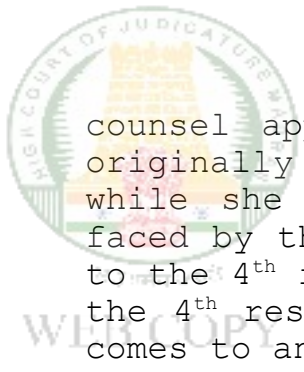
Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st and 2nd respondents to give permission to permanently absorb the service of the petitioner as Sales Woman in the 4th respondent Society without insisting to get administrative sanction from the 3rd respondent Society.

For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondent : Mr.M.Jeyakumar, AGP

ORDER

The prayer sought for herein is for a writ of Mandamus, directing the 1st and 2nd respondents to give permission to permanently absorb the service of the petitioner as Sales Woman in the 4th respondent Society without insisting to get administrative sanction from the 3rd respondent Society.

2.The grievance of the petitioner as projected by the learned
<https://hcservices.ecourts.gov.in/hcservices/>



counsel appearing for the petitioner is that, the petitioner was originally appointed as Sales Woman at the 3rd respondent Society and while she was working there, in view of the financial condition faced by the 3rd respondent Society, the petitioner had been deputed to the 4th respondent Society and accordingly, now, she is working at the 4th respondent Society as Sales Woman and her deputation period comes to an end by 31.07.2020.

3.He would also submit that, in the meanwhile, the 3rd respondent Society has been liquidated and an Officer-in-charge of the liquidation process has taken charge and therefore, virtually, there is no scope for sending back the petitioner to the 3rd respondent Society after completion of the deputation period. Therefore, in that circumstances, the petitioner has given request to the respondents 1 and 2 that before completion of the deputation, the petitioner can be absorbed at the 4th respondent Society, where she has already been working under deputation and in this regard, on 17.06.2019, a request has been sent by the petitioner and the same had been forwarded by the 4th respondent Society on 24.06.2019 to the 1st respondent through the 2nd respondent. However, the said representation has not been considered positively and in the meanwhile, on 24.12.2019, the 2nd respondent sent a communication, directing the 4th respondent to resubmit the proposal on the retainment of the petitioner at the 4th respondent for getting necessary approval from the 3rd respondent Society i.e., the liquidator incharge of the 3rd respondent Society, which is already under liquidation. Therefore, it seems that the 1st respondent may not consider the request of the petitioner to retain her service as Sales Woman at the 4th respondent Society before completion of the deputation period and since the 1st respondent insists that a permission or no objection certificate have to be obtained from the 3rd respondent unmindful of the liquidation process already commenced in the 3rd respondent Society, which will prejudice the service of the petitioner. Therefore, the petitioner approached this Court by way of this writ petition with the aforesaid prayer, he contended.

4.Heard the learned Additional Government Pleader, who, on instructions, submits that, the petitioner was originally appointed as Sales Woman at the 3rd respondent Society on compassionate ground and thereafter, she was deputed to the 4th respondent Society and she has been accordingly working now at the 4th respondent Society under deputation and the deputation period would come to an end by 31.07.2020. In the meanwhile, the 3rd respondent Society has already been liquidated and a Co-operative Sub Registrar has been made as a Liquidator and the liquidation process is going on. Therefore, the question of sending back the petitioner to the 3rd respondent Society as claimed or apprehended by her may not arise. However, representation of the petitioner as forwarded by the 4th respondent Society on 14.02.2020 to the 1st respondent through the 2nd respondent would be considered by the 1st respondent on merits and an



order to that effect would be passed within a time frame to be stipulated by this Court.

5.I have considered the said submissions made by the learned counsel by both sides and have perused the materials placed before this Court.

6.As has been rightly pointed out by the learned counsel appearing for the petitioner that, since the 3rd respondent Society, where, originally the petitioner was appointed, is under liquidation, the petitioner cannot be sent back to the 3rd respondent Society after completion of deputation period i.e. after 31.07.2020. Therefore, the petitioner's service can very well be retained at the 4th respondent Society, for which, the 1st respondent is empowered to pass necessary orders and in this regard, since, proposal has already been sent by the 4th respondent Society, as has been pointed out by the learned Additional Government Pleader appearing for the respondents that on 14.02.2020 proposal has been sent to the 1st respondent, it should be considered. This Court feel that the said proposal sent by the 4th respondent Society on 14.02.2020 with regard to the absorption of the petitioner at the 4th respondent Society can very well be considered by the 1st respondent and suitable orders can be passed. In that view of the matter, this Court is inclined to issue the following direction:

"The 1st respondent shall consider the request of the petitioner as forwarded by the 4th respondent on 14.02.2020 and pass orders thereon without insisting any permission or no-objection certificate from the 3rd respondent Society, which is already under liquidation and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. In the meanwhile, since the deputation period of the petitioner comes to an end by 31.07.2020, unmindful of the same, the petitioner's continuance in the 4th respondent Society as Sales Woman shall not be disturbed till the disposal of the request of the petitioner as directed above. "

7.With this observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

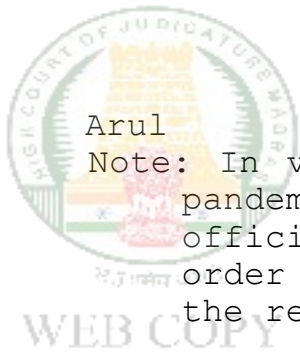
Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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