

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2985 of 2021
and
W.M.P.No.3342 of 2021
(Heard through VC)

A.Ambikapathi

.. Petitioner

-vs-

1. The Registrar of Co-operative Societies,
Registrar of Co-operative Societies Office,
No.70, E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010.
 2. The Managing Director/Joint Registrar,
Vellore District Central Co-operative Bank Limited,
Head Office, No.3, Officers Line,
Vellore - 632 001.
 3. The Managing Director,
Salem District Central Co-operative Bank Ltd.,
Cherry Road,
Salem - 636 001.
- .. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the third respondent herein to pass orders on the petitioner's representation dated 11.12.2020 seeking the third respondent to pass a resolution to absorb the petitioner and thereafter the first respondent to grant approval to absorb the petitioner in the third respondent Bank within a time frame.

For Petitioner : Ms.D.Geetha

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The petitioner has come forward with this writ petition, seeking a direction to the third respondent herein to pass orders on the petitioner's representation dated 11.12.2020 requesting the third respondent to pass a resolution to absorb the petitioner and thereafter the first respondent to grant approval to absorb the petitioner in the third respondent Bank within a time frame.

2. Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice on behalf of the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he was working as Assistant in the second respondent Bank. Since he is a native of Namakkal, he was looking forward to be transferred to the third respondent Bank. Meanwhile, the first respondent issued a Circular to all the Central Cooperative Banks instructing that the guidelines prescribed in the Government Circular dated 19.09.2018 should be followed in all cases of transfer and absorption from one Central Cooperative Bank to another. Hence, the petitioner made an application to the first respondent through the second respondent seeking transfer to the third respondent Bank. Though his application was pending for consideration, Advertisements were published inviting applications to the post of Assistant in the third respondent Bank. Aggrieved by the same, he filed a writ petition in W.P.No.27839 of 2019 and the same was allowed. The second respondent informed that the necessary Resolution had been passed in accordance with the orders of this Court and were pending consideration with the first and third respondents. Though the first respondent has considered and granted approval to transfer applications made by various other similarly situated employees, the resolution pertaining to the petitioner's application alone remain pending for the past one year. In this regard, he has also made a representation dated 11.12.2020 to the first respondent, but till date, no order has been passed. Hence, this writ petition.

4. Considering the facts and circumstances of the case, as the petitioner's representation is already pending with the authority concerned, this Court directs the respondents, especially the third respondent herein to consider the representation of the petitioner dated 11.12.2020, if not already considered and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing

to the petitioner, as expeditiously as possible, preferably within a period of sixty (60) days from the date of receipt of a copy of this order.

5. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 11.12.2020 and this order, to the respondents forthwith. The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

Accordingly, the Writ Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

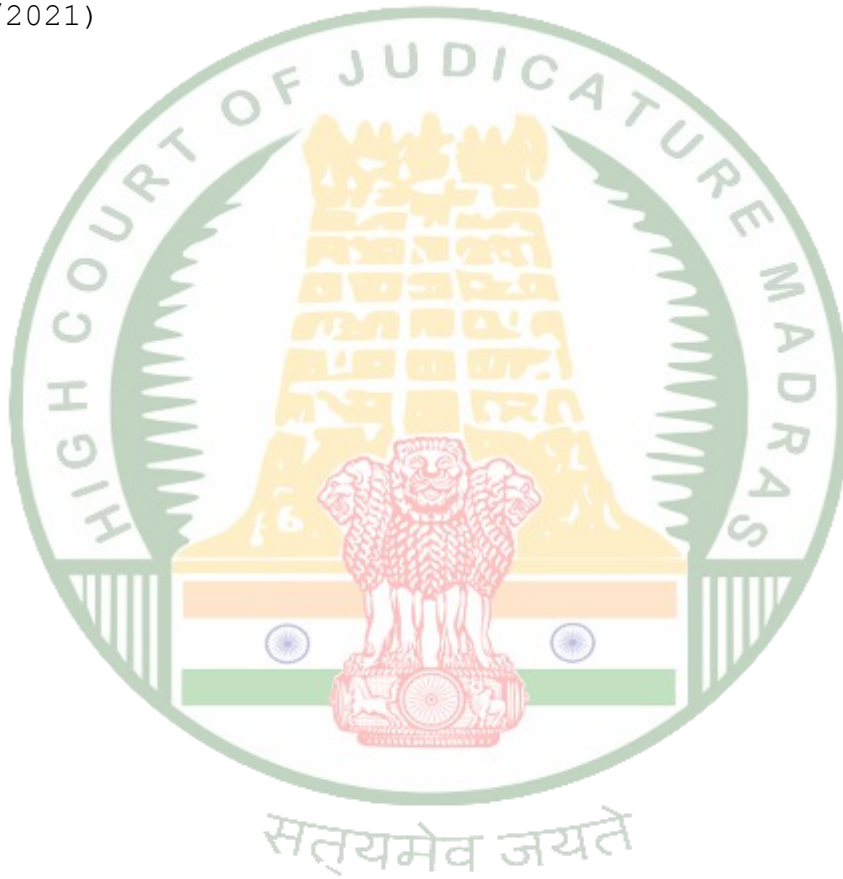
- 1.The Registrar of Co-operative Societies,
Registrar of Co-operative Societies Office,
No.70, E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010.
- 2.The Managing Director/Joint Registrar,
Vellore District Central Co-operative Bank Limited,
Head Office, No.3, Officers Line,
Vellore - 632 001.

3.The Managing Director,
Salem District Central Co-operative Bank Ltd.,
Cherry Road,
Salem - 636 001.

+1cc to Mr.D.Geetha, Advocate, sr no.8405

W.P.No.2985 of 2021
and
W.M.P.No.3342 of 2021

GPL (CO)
RMP (15/03/2021)



WEB COPY