IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.19139 of 2020

M.Durairaj ... Petitioner

Vs

1.The State of Tamil Nadu
Rep. by the Principal Secretary,
Co-operation, Food and
Consumer Protection Department,
Fort St. George, Chennai-9.

2.The Registrar of Co-operative Societies,
No.170, E.V.R.Periyar Road,
Kilpauk, Chennai-600 010.

3.The Joint Registrar of Co-operative Societies,
Vellore Region,
Vellore-9. ... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider and pass orders on the representation dated 27.10.2020 seeking relaxation/exemption for being posted in and around Erode District by transfer/re-transfer within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.L.P.Shanmuga Sundaram,
Special Government Pleader

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O R D E R

This writ petition has been filed, seeking direction to the 1st respondent to consider the representation dated 27.10.2020 seeking relaxation/exemption for being posted in and around Erode District by transfer/re-transfer.

2. The case of the petitioner is that the petitioner was initially appointed as 10 (a) (i) Junior Inspector of

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Cooperative Societies and subsequently he was regularized and promoted to various levels and now he is in the post of Deputy Registrar of Cooperative Societies at Vellore District. It appears that he made a representation for transfer of his post to his native District viz., Erode District wherein his wife is employed as a Teacher in the Government School. But the 1st respondent had chosen to reject the claim of the petitioner by citing G.O.Ms. No.250, Cooperation, Food and Consumer Protection Department, dated 12.05.2009 wherein it has been observed that holders of post in the cadre of Deputy Registrar are not liable for being considered to be posted in the native District on promotion. However, it is stated that the person who have been transferred and working in various feeder category for such promotion have all been posted or retained in the native District dehors the fact that they hail from the same District. Hence, the petitioner had chosen to address a detailed representation to the 1st respondent on 27.10.2020 by annexing various material evidence and documentary proof with regard to various claims of these type of Deputy Registrar being considered and posted to their native District. As there is no action on the representation till date, the petitioner has filed this writ petition.

3. Heard the learned counsel for the petitioner as well as learned Special Government Pleader for the respondents and perused the material documents available on record.

4. In view of the limited scope of the prayer sought for by the petitioner, as the Petitioner's representation is already pending with the authorities concerned, this Court is inclined to direct the 1st Respondent to consider the Petitioner's representation dated 27.10.2020 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to all the parties concerned, who are likely to be affected by the grant of relief to the petitioner, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vum

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To

1.The Principal Secretary,
  The State of Tamil Nadu
  Co-operation, Food and
  Consumer Protection Department,
  Fort St. George, Chennai-9.

2.The Registrar of Co-operative Societies,
  No.170, E.V.R.Periyar Road,
  Kilpauk, Chennai-600 010.

3.The Joint Registrar of Co-operative Societies,
  Vellore Region,
  Vellore-9.

+1cc to Mr.C. Chandrakumar, Advocate, S.R.No.603

+1cc to the Government Pleader, S.R.No.502

SSN(CO)
SM 10/02/2021

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