



WEB COPY

W.A.(MD)No.1396 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1396 of 2021

and

C.M.P(MD) No.5797 of 2021

1. The Joint Registrar of Co-operative Societies,
Karur, Karur District.

2. The Regional Deputy Registrar (Housing),
No.16/1, Samath School Street,
Kaja Nagar,
Tiruchirappalli-620 020.

... Appellants/Respondents/
Respondents

Vs.

Selvi V.Brundhadevi

... Respondent/Petitioner/
Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.10773 of 2021, dated 29.06.2021.

Prayer in WP(MD) . 10773/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-3. To issue a Writ of Certiorari calling for the records pertaining to the impugned transfer order issued by the 1st respondent in his proceedings in Na Ka 1120/2015/a ba a dated 18.6.2021 and consequent orders issued by the 2nd respondent in Na Ka No.1131/2018 a ba a dated 19.6.2021 and Na Ka 0/2018/thu ba dt 19.6.2021 and quash the same

For Appellants	: Mr.Veera Kathiravan, Senior Standing Counsel for Government for Mr.A.K.Manickam, Standing Counsel for Government
For Respondent	: Mr.P.Mahendran

J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.Veera Kathiravan, learned Senior Government Counsel, assisted by Mr.A.K.Manickam, learned Government Counsel, appearing for the appellants and Mr.P.Mahendran, learned counsel

<https://hcc.mca.gov.in/services/>



appearing for the respondent-writ petitioner.

2. This appeal is directed against the order of stay granted by the learned Single Bench staying the order of transfer passed against the respondent.

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3. It is the submission of the learned Senior Government Counsel appearing for the appellants that the order of transfer has been passed by the Joint Registrar of Co-operative Societies and it is a routine transfer and there is no *mala fides* for passing such an order.

4. From the facts which have been placed before this Court, we find that the respondent was working as Co-operative Sub Registrar and she has taken disciplinary action against the Secretary of the Society on account of certain delinquencies and it appears that the said Secretary has also been placed under suspension. If that is the case, the question would be as to why the transfer has to be passed, transferring the respondent when she has initiated disciplinary action.

5. In any event, the learned Writ Court has directed counter-affidavit to be filed by the appellants before us and also directed the matter to be posted after four weeks. Therefore, we are of the view that the appellants can file a counter-affidavit and the grounds raised herein can be canvassed before the learned Single Bench.

6. There appears to be a dispute as to whether the respondent has been relieved or not. Since we are directing the appellants to file counter-affidavit in the writ petition and pray for vacating the interim order, the respondent-writ petitioner shall be allowed to continue in the same place where she was earlier working before the order of transfer, till further orders are passed by the learned Writ Court in the vacate stay petition to be filed by the appellants. If the vacate stay petition is filed on or before 19.07.2021, the same shall be listed before the appropriate Honourable Court either on 22.07.2021 or on 23.07.2021.

7. With the above directions, this **Writ Appeal stands disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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

1. The Joint Registrar of Co-operative Societies,
Karur, Karur District.
2. The Regional Deputy Registrar (Housing),
No.16/1, Samath School Street,
Kaja Nagar,
Tiruchirappalli-620 020.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-22795[F]
dated 15/07/2021)

W.A. (MD)No.1396 of 2021
15.07.2021

CM(CO)
KB(23.07.2021) 3P 4C