



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No. 16343 of 2021

and

W.M.P. (MD) No.13191 of 2021

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N.Venkatesan

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Secretary to Government,
Department of Co-operation,
Food and Consumer Protection,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Joint Registrar / Managing Director,
Virudhunagar District Central Co-op. Bank Ltd.,
No.104/1, Madurai Road,
Virudhunagar - 626 001.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of **Writ of Certiorarified Mandamus**, to call for all the relevant records pertaining to the impugned order passed by the 2nd respondent vide proceedings in Na.Ka.No.22946/2021/E1 dated 26.08.2021 and quash the same as illegal and to direct the respondents to consider the petitioner's representation dated 14.07.2021 in consonance with relevant Rules in force and on humanitarian consideration and to pass such further or other orders as this Court.

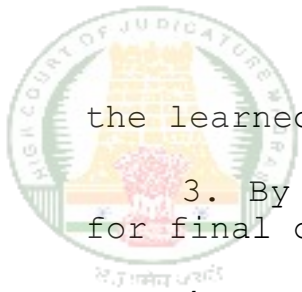
For Petitioner	:	Mr.Sanjey Vignesh
For Respondents	:	Mr.A.K.Manikkam, Standing Counsel for R1. Mr.D.Shanmugaraja Sethupathi, for R2.

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for all the relevant records pertaining to the impugned order passed by the 2nd respondent vide proceedings in Na.Ka.No.22946/2021/E1 dated 26.08.2021 and quash the same as illegal and to direct the respondents to consider the petitioner's representation dated 14.07.2021 in consonance with relevant Rules in force.

2. Heard the learned counsel appearing for the petitioner and

<https://hcservices.ecourts.gov.in/hcservices/>



the learned Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he was appointed as Sub-Staff under the second respondent Office on daily wage basis and subsequently, his services were regularised w.e.f., 27.02.1989 and posted as regular Sub-staff in the Central Co-op Bank Ltd, Madurai. In the interregnum, he was transferred to several branches in various Districts. Subsequently, the petitioner was transferred to Sivakasi Branch in July 2020. He was infected with Covid-19 positive on 28.07.2020 and got treated for 22 days. According to the petitioner, he is now aged about 58 years and his continuity of service is an another 1 ½ years. Therefore, he submitted a representation dated 14.07.2021 to the second respondent, requesting for transfer to any of the nearby Branches in Virudhunagar Town. The second respondent vide his proceedings dated 26.08.2021 transferred the petitioner from Sivakasi Branch to Veeracholan Branch, which is 86 kms away from the present work place. Aggrieved by the aforesaid impugned order, the present writ petition has been filed before this Court.

5. The learned counsel for the second respondent would submit that the petitioner has already been relieved from the present work place but he has not joined in the transferred place and he submitted medical leave to the authority concerned.

6. In view of the aforesaid statement of the learned counsel for the second respondent, this Court is not inclined to interfere with the impugned order of the second respondent. However, the petitioner made a representation dated 14.07.2021 to the second respondent and the same is still pending. Therefore, this Court, without expressing any opinion on merits, directs the second respondent to consider the petitioner's representation dated 14.07.2021 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

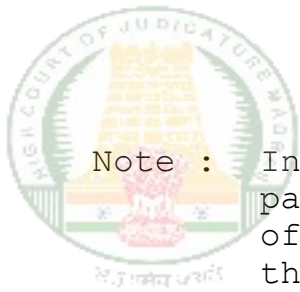
Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar (CS)

dn



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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

1.The Secretary to Government,
State of Tamil Nadu,
Department of Co-operation,
Food and Consumer Protection,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Joint Registrar / Managing Director,
Virudhunagar District Central Co-op. Bank Ltd.,
No.104/1, Madurai Road,
Virudhunagar - 626 001.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-28869[F] dated 13/09/2021)

+1 CC to M/s.SPL. GP (SR-29198[F] dated 15/09/2021)

+1 CC to M/s.J.SANJAY VIGNESH, Advocate (SR-28906[F] dated 14/09/2021)

W.P. (MD) .No.16343 of 2021
13.09.2021

RD(27.09.2021) 3P 6C