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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.10772 of 2022

N.Muniyasamy

...Petitioner

Vs.

1. The Registrar of Co-operative Societies (Housing),
Tamil Nadu Cooperative Housing Federation,
2nd floor, No.48, Ritherdon Road,
Vepery, Chennai 600 007.
2. The Deputy Registrar of Cooperative Societies (Housing)
Virudhunagar Region, No.3, Milk Society Building,
Mani Nagar, Virudhunagar.
3. The Deputy Registrar of Cooperative Societies (Housing),
Coimbatore Region, Sinthamani Building,
Vadakovai, Coimbatore.
4. The President,
K.1917, Tiruppur Cooperative Housing Society Ltd.,
Gemini Press Building, 138-A, Kumaran Road,
Tiruppur 641 601.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the 4th respondent in No.Nil dated 05.03.2022 and to quash the same and consequently, directing the respondents to permit the petitioner to continue in the post of Supervisor in the 4th respondent's society as per G.O.Ms.No.71, Housing and Urban Development (HCS-2) Department dated 26.02.2021, with all consequential and other attendant benefits, including payment of arrears of salary.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Ganesan,
R1 to R3 Govt. Advocate



ORDER

This Writ petition has been filed to quash the impugned proceedings issued by the 4th respondent in No.Nil dated 05.03.2022 and consequently, directing the respondents to permit the petitioner to continue in the post of Supervisor in the 4th respondent's society as per G.O.Ms.No.71, Housing and Urban Development (HCS-2) Department dated 26.02.2021, with all consequential and other attendant benefits, including payment of arrears of salary.

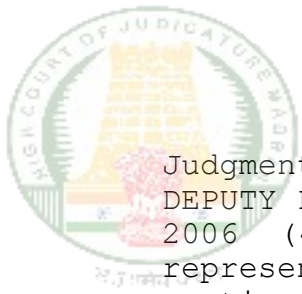
2. Heard the learned counsels appearing for both the parties and I have perused the materials on record.

3. The petitioner was appointed as a Clerk in Rameswaram Taluk Co-operative Housing Society Ltd on 21.12.1995 and subsequently, he was promoted as Manager on 01.09.2000. Since the Government had not released compensatory grant to the Rameswaram Society, the petitioner had continued to work in that place, without any salary. Therefore, the first respondent, vide order dated 06.03.2019, appointed the petitioner as Supervisor in the 4th respondent Housing Society, on deputation, for a period of three years. Then only, the petitioner started to draw salary from the 4th respondent's society.

4. Since three years deputation period from 06.03.2019 coming to an end by March 2022, the petitioner gave representations to the respondents for extension of service in the 4th respondent's Society as well as for permanent absorption. When the representation of the petitioner is pending before the first respondent, the 4th respondent issued impugned proceeding dated 05.03.2022 by relieving the petitioner from the post of Supervisor. Hence this writ petition has been filed.

5. The learned counsel appearing for the petitioner relying upon G.O.Ms.No.71 dated 26.02.2021, submitted that, since the parent Society (Rameswaram Society) got wound up, as per the above G.O., the petitioner is entitled to continue on deputation in the 4th respondent's society, even beyond three years, without any period of limitation. He further submitted that, while the application of the petitioner seeking to continue on deputation in the fourth respondent's society, as per the above G.O.Ms.No.71, is pending for consideration before the first respondent, the impugned proceedings issued by the fourth respondent is arbitrary, illegal and against the law. Therefore, the above proceedings is liable to be quashed and the petitioner may be permitted to continue to work in the 4th respondent's Society, as per the above G.O Ms.No.71.

6. The learned Government Advocate appearing for the respondents submitted that the writ petition filed against the Co-operative Society is not maintainable in the light of the



Judgment of larger bench of this Court in K.MARAPPAN VS. DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETY, NAMAKKAL reported in 2006 (4) CTC 689. He further submitted that since the representation of the petitioner seeking permission to continue to work in the fourth respondent Society, in the light of the G.O.Ms.No.71 is pending before the first respondent, the remedy is very much available before the first respondent and hence, the present writ petition is liable to be rejected.

7. At this juncture, the learned counsel appearing for the petitioner submitted that though this writ petition has been filed to quash the impugned proceedings of the 4th respondent, it is suffice to give direction to the first respondent to consider the representation of the petitioner dated 19.01.2022 and to pass appropriate orders, by taking note of the G.O.Ms.No.71 dated 26.02.2021 and also considering the financial constrain faced by the petitioner.

8. In view of the above submission, this court is inclined to pass the following order.

i) The first respondent is directed to consider the representation of the petitioner dated 19.01.2022 and to pass appropriate orders, in accordance with law, by taking note of the G.O.Ms.No.71 dated 26.02.2021, as early as possible, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, the writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

mst

To

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4. The President,
K.1917, Tiruppur Cooperative Housing Society Ltd.,
Gemini Press Building, 138-A, Kumaran Road,
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+1cc to Government Pleader SR. No. 35940

+1cc to Mr.G.Sankaran, Advocate SR. No. 35966

W.P.No.10772 of 2022

SKM (CO)

PR (01/07/2022)