



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.2777 of 2021 and
W.M.P.(MD).No.2276 of 2021

Y-198-Vencode Primary Agricultural
Co-operative Credit Society,
Vencode-Post,
Vilavancode Taluk,
Kanyakumari District.
Rep.by its President.

... Petitioner

Vs.

1.The Regional Joint Registrar of Co-operative Societies,
Kanyakumari Region,
Collector Office New Building, 2nd Floor,
Nagercoil, Kanyakumari District.

2.K.Karthikeyan,
Assistant Secretary,
926, Vilavancode Primary Agricultural
Co-operative Credit Society,
Kuzhithurai-Post, Vilavancode Taluk,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari, calling for the records
relating to the impugned order passed by the first respondent in his
proceedings in Na.Ka.No.2870/2020/Tho.Ve.Sa(1) dated 11.01.2021
received on 05.02.2021 and quash the same as illegal.

For Petitioner :	Mr.Prathap.V.H.S
For Respondent :	Mr.P.Thilak Kumar, Additional Government Pleader assisted by Mr.M.Ramesh, Government Advocate for R1 Mr.N.Dilip Kumar for R2

O R D E R

The order of administrative transfer issued by the first
respondent transferring the Secretary to the petitioner's Society
which is a Common Grade Service is under challenge in the present



writ petition.

2. The petitioner is a Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act.

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3. The learned counsel appearing for the petitioner Society made a submission that the Joint Registrar, without even consulting the Society and in violation of the by-laws of the Society, transferred the second respondent as the Secretary of the petitioner Society, which is in violation of by-laws of the Society.

4. Admittedly, the Secretary of the Primary Co-operative Society is brought under the Common Grade Service by the Government under Section 75 of the Tamil Nadu Co-operative Societies Act. Once a particular post/grade is brought under the Common Grade Service, then the Joint Registrar is the Competent Authority to effect transfer of an employee within the District. In such circumstances, the Special by-laws which are applicable to a particular Society cannot have any application in the matter of Common Grade Service. In such circumstances, if at at the Societies aggrieved or if any inconvenience is caused because of such transfer, then they are at liberty to approach the Registrar or the Government under the Act for redressal of their grievances.

5. This being the factum, the petitioner is at liberty to approach the Registrar of Co-operative Societies or the Government, as the case may be, for redressal of their grievances. In the event of any such approach by the Society, the Revisional Authority or Reviewing Authority may consider the case on merits.

6. With these directions, the Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Regional Joint Registrar of Co-operative Societies,
Kanyakumari Region,
Collector Office New Building, 2nd Floor,
Nagercoil, Kanyakumari District.



2.K.Karthikeyan,
Assistant Secretary,
926, Vilavancode Primary Agricultural
Co-operative Credit Society,
Kuzhithurai-Post, Vilavancode Taluk,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-7517[F] dated 21/02/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-7330[F] dated 21/02/2022)

W.P. (MD) No.2777 of 2021

18.02.2022

SMV(CO)

KB(03.03.2022) 3P 5C