



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14676 of 2021

and

W.M.P. (MD) Nos.11609 & 11610 of 2021

3921, Pechiparai Primary Agricultural
Co-Operative Credit Society,
Rep. by its President,
Pechiparai - Post, Thiruvattar Taluk,
Kanyakumari District.

... Petitioner

-vs-

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

2.T.Vimalabai

... Respondents

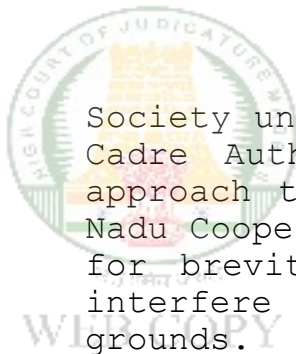
Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorari to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.2870/2020/Tho. Ve. Sa (2) dated 11.01.2021 and quash the same as illegal.

For Petitioner :	Mr.V.H.S.Prathap
For R1 :	Mr.M.Ramesh,
	Government Advocate
For R2 :	Mr.B.Brijesh Kishore

O R D E R

The petitioner-Pechiparai Primary Agricultural Co-Operative Credit Society, Pechiparai Post, Thiruvattar Taluk, Kanyakumari District filed the present writ petition challenging the order of transfer dated 11.01.2021 issued by the Common Cadre Authority/Regional Joint Registrar of Cooperative Society transferring the 2nd respondent from Kumaranchavadi Primary Agricultural Cooperative Credit Society to the petitioner-Society viz., Pechiparai Primary Agricultural Cooperative Credit Society.

2.These Cooperative Societies are not the State within the meaning of Article 12 of the Constitution of India. In respect of transfers between one Cooperative Society to another Cooperative



Society under the Common Cadre Service Rules, if made by the Common Cadre Authority, then the petitioner, if at all aggrieved, may approach the competent authority under the provisions of the Tamil Nadu Cooperative Societies Act (hereinafter referred to as "the Act" for brevity) for redressal of grievances, but High Court cannot interfere with the orders of transfer issued on administrative grounds. High Court cannot interfere with the routine administration or affairs of the Cooperative Society and therefore, the petitioner has to approach the competent authority. Transfer is an incidental to service. Society cannot seek appointment of a particular person. When transfers are issued by the Common Cadre Authorities in the interest of public administration or on administrative grounds, High Court cannot interfere, as transfer *per se* would not provide cause for moving a writ petition. Transfers are conditions to service. Thus, the grievances are to be redressed only before the competent authority.

3.The learned counsel appearing for the 2nd respondent made a submission that the same dispute has already been decided by the Hon'ble Division Bench of this Court in W.A.(MD) No.1707 of 2021 dated 14.09.2021.

4.In the present case, interestingly, the petitioner-Society itself filed the writ petition challenging the order of transfer, which is absolutely improper. The learned counsel for the petitioner states that the Society is not in a position to pay the salary. If so, the petitioner has to submit necessary proposal to the authority for initiating action under the Act. However, an order of transfer cannot be interfered with and consequently, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

To

The Regional Joint Registrar of Cooperative Societies,
Kanyakumari Region, Collector Office New Building,
2nd Floor, Nagercoil, Kanyakumari District.

+1 CC to M/s.B.BRIJESH KISHORE, Advocate(SR-12276[F]dated 15/03/2022)

+1 CC to M/s.SPL GP (SR-12204[F] dated 15/03/2022)

W.P.(MD) No.14676 of 2021

14.03.2022

ABR

MS/28.03.2022/2P.4C

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