



W.P(MD)No.18772 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18772 of 2020

and

W.M.P.(MD)No.15694 of 2020

N.Moorthy

... Petitioner

Vs.

1.The Joint Registrar of Co-Operative Societies,
Madurai Region,
Palanganatham,
Madurai District.

2.The Circle Deputy Registrar,
Madurai Circle,
Palanganatham,
Madurai District.

3.A2625 Madurai Coats Employees Cooperative Credit Society Ltd,
Rep by its President,
42/140, Akila Complex,
1st Floor, Aarapalayam,
Padithurai, Madurai-16.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus to directing the respondents to
permit the petitioner to discharge his duty as Jewel Appraiser in the



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3rd respondent Society and to disburse the nonpayment of salary of the petitioner from August 2017 to August 2019 and further direct the respondents to continue to pay the salary to the petitioner for the period from September 2019 onwards, on the basis of the representation dated 11.10.2020.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner jointed the third respondent society as Junior Assistant in the year 1990. He was made permanent in the year 1992. He was also discharging additional duty as that of Junior Clerk from the year 1997. The petitioner was subsequently divested of the duties of Junior Clerk. The petitioner unsuccessfully challenged the same. Be that as it may, from the year 2019, the petitioner was not allowed to report for duty. Aggrieved by the same, the present writ petition has been filed.



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3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.The learned Government Advocate for the respondents pointed out that the post held by the petitioner was only part time post. The petitioner's counsel on the other hand would contend that it was a full time post. A reading of order of appointment does not indicate as to whether the post of Jewel Appraiser was part time or full time. But the order dated 18.01.2012 issued by the Joint Registrar, Madurai Region in a revision filed by the petitioner indicates that the post of Jewel Appraiser was only a part time employment. The third respondent Society had shifted its place of business. In the new place, there was no facility for maintaining a strong room where the pledged jewels can be safely kept. The Society stopped jewel loan operation. Therefore, there was no scope for assigning work to the petitioner and that is why, the petitioner could not be given any work.

5.I am satisfied with the contentions advanced by the learned Government Advocate. When the petitioner was appointed only as a Jewel Appraiser which was part time post, he will have duties to discharge only if the



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Society is engaged in granting jewel loans. When the jewel loan operations ceased, the question of engaging or employing the petitioner will not arise at all. I am, therefore, not in a position to grant relief to the petitioner. This Court on earlier occasion had called upon the learned Government Advocate to verify if it is possible to accommodate the petitioner in the capacity of Jewel Appraiser in some other Society in Madurai Region. Today, the learned Government Advocate clarified, on instructions, that it is not possible to accede to the petitioner's request. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.11.2022

Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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