

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19167 of 2022

K.Jeyakumar

... Petitioner

Vs.

- 1.The Registrar of Cop-operative Societies,
O/o. Registrar Co-operative Societies,
170, Periyar E.Ve.Ra.High Road,
Keelpauk,
Chennai-10.
- 2.The Joint Registrar of Co-operative Societies / Chairman of the Common
Cadre Authority-Thoothukudi Region,
O/o. the Joint Registrar of Co-operative Society,
39B, 1st Floor, T.R.Naidu Street,
Thoothukudi 628 002.
- 3.The Managing Director (Secretary / Member of the Common Cadre
Authority),
Thoothukudi District Central Co-operative Bank,
109/5D, Ettiyapuram Road,
Bolpettai,
Thoothukudi.
- 4.The Deputy Registrar of Co-operative Societies,
O/o. Deputy Registrar of Co-operative Societies,
1/138, Medona Street,
Veerapandiapattinam,
Thoothukudi District PIN-628 216.

5. E.E.423, Udangudi Primary Agricultural Co-operative Socitey,
rep. by its President,
29A, Sathiyamoorthy Bazar,
Udangudi 628 203,
Thoothukudi District.

6.D.Anatharaj Navamani Robin,
Secretary to the E.E.423 Udangudi Primary Agricultural Co-operative
Credit Society,
29A, Sathiyamoorthy Bazar,
Udangudi 628 203,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 01.08.2022 and to pass an order of transfer the sixth respondent to other place following the Rule 18 of Primary Agricultural Co-operative Credit Societies Common Cadre Rules, 2019 and the circular dated 22.02.2022 issued by the first respondent vide RC.No.92635/2016/PACS1.

For Petitioner : Mr.V.Rajiv Rufus
For R1 to R4 : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Additional

Government Pleader appearing for the official respondents and the learned counsel appearing for the sixth respondent.

2. The writ petitioner is a member of the fifth respondent society. He had submitted representations demanding that action should be taken against the sixth respondent. According to the petitioner, the sixth respondent has been squatting in the post of Secretary for the past twelve years. He drew my attention to the communication dated 06.09.2019 issued by the Deputy Registrar, Tiruchendur calling upon the President of the society to transfer the sixth respondent. The petitioner laments that notwithstanding such communication, the sixth respondent had managed to hold on to his position. However, several allegations have also been made against the functioning of the sixth respondent.

3. Whether disciplinary action should be taken against an employee or not are decisions that will have to be taken only by the concerned employer. It is true that the petitioner is interested in the well-being of the society and that he has brought certain issues for consideration of the competent authority. The competent authority may take note of the same and take a call. It is not for this Court to issue any positive direction at the instance of the petitioner.

4. With this observation, the Writ Petition is disposed of. No costs.

14.09.2022

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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