



W.P.No.2232 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.2232 of 2020
and W.M.P.No.2611 of 2020

V.Rasu

...

Petitioner

/vs/

1. The Registrar of Co-operative Societies Puducherry,
Co-operative Department,
Government of Puducherry,
V.V.P.Nagar, Thattanchavady Post,
Puducherry – 605 009.

2. The President,
Kalmandapam Co-operative Milk Producers Society Ltd.,
No.P-301, Kalmandapam,
Nettapakkam Post, Pondicherry.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for records of the Revision Petition No.1 of 2019 dated 13.12.2019 passed by the first respondent (Impugned Order-II) and Order No. Nil dated 18.01.2019 passed by the first respondent (Impugned order-I) and quash the same and consequently



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restore the position, duties and responsibilities of the petitioner as Secretary-I in terms of Clause Clause 27(2) of the Bye-Laws of the Kalmandapam Co-operative Milk Producers Society Ltd and the work allocation order dated 29.08.2015 passed by Co-operative Officer, Puducherry.

For Petitioner	...	Ms.S.Harinyi
For Respondents	...	Mr.Ramasamy Meiyappan
		Additional Govt. Pleader (Puducherry)
		Mr.R.Sreedhar for R2
		Standing Counsel

ORDER

The petitioner has filed this writ petition to challenge the impugned order dated 13.12.2019 through which an order has been passed by Registrar of Co-operative Societies, by confirming the order of the second respondent in allocating the works between the Secretary-I and Secretary-II of second respondent society.

2. The learned counsel for the petitioner attracted the attention of this Court to the order of the Registrar of Co-operative Societies, Puducherry dated 19.06.2015 passed under Section 141 of Puducherry Cooperative Societies Act, 1972. In the said order it has been observed as under:



“ 47. As a sequel to the above analysis and discussion and showing extreme consideration on the petitioner, the only lacuna I find is that the petitioner was unceremoniously thrown out of employment without a formal enquiry and by a laconic order. The following order, in the facts and circumstances of the case, would meet the ends of justice and I order accordingly.

i) The petitioner shall be reinstated into service forthwith as Secretary on the small scale of pay of the existing Secretary.

ii) He shall not be entitled to any backwages or any other service benefits during the period for which he is out of employment;

iii) He shall be ranked as senior to the present Secretary eventhough there is parity in the scale of pay and total emoluments;

iv) The post so created shall continue as long as the present incumbent is in office and thereafter the post shall be abolished.”

3. The petitioner has been working with the second respondent society in accordance with the above order. There is no grievance for the petitioner that those directions have not been complied by the authorities concerned. But his only grievance is that he has given with less significant responsibilities than the other Secretary who is his junior and because of that his Senior Secretary rank is affected. The work allocation order dated 18.01.2019 was the subject matter of the impugned order. The Registrar of Cooperative Societies has dealt the matter and passed the following order:



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“ 3. ... Both the orders. Viz., the order dated 29.08.2015 issued by the Administrator of the Society and impugned order dated 18.01.2019 issued by the respondent herein, relate to the work allocated to the Revision-Petition. On perusal of the two work allocation orders, it is evident that, the work allocated to the Revision-Petition vide the impugned work allocation order dated 18.01.2019 is lesser than the work allocated to the Revision-Petitioner vide the order dated 29.08.2015 of the then Administrator of the society. It is also evident that, the work allocated to the Revision-Petitioner by the respondent herein cannot be considered as degradation as alleged by the Revision-Petitioner, Bye-law NO.27(2) of the bye-laws of the society specifies the duties and responsibilities of the Secretary of the society. As per the Bye-law No.27(2)(xii) of the bye-laws of the society, “the Secretary shall do all other works as directed by the President and the Managing Committee of the Society”. The respondent herein is empowered and has the legal authority to allocate the society's official work to the employees of the society. If an employee disobeys his orders, he may initiate disciplinary proceedings in accordance the rules and regulations in force.”

4. Now the petitioner has challenged the same by stating that his rank has been reduced. The allocation order is in force from 18.01.2019 and the petitioner is carrying out the works allocated to him. There is no reduction of rank or the designation of the petitioner from the post of Secretary. So it is within the authority of the second respondent to issue work allocation in considering the essential functions of the society.



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5. Since the petitioner's grievance has been rightly dealt by the first respondent and a speaking order has been passed, there is no reason for any interference. It is the petitioner's imagination that the change in the work allotment has reduced his significance or seniority. There is no material produced to show that the authorities concerned has reduced the rank of the petitioner from that of Secretary I. Work allotment to different staff is given taking into consideration of the Administration contingency and in the larger interest of the institution. Hence the relief sought by the petitioner cannot be granted.

6. Hence, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.

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Index: Yes / No
Speaking order / Non-speaking order
bkn

R.N.MANJULA ,J.



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To:

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Co-operative Department,
Government of Puducherry,
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