



W.P.No.10722 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.04.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.10722 of 2023

Tamil Nadu Govt. Ration Shop Employees Union
Rep. by its President G.Rajendiran
Head Office: No.1, Annadurai Street,
Anakaputhur, Chennai-600 070.

... Petitioner

Vs

- 1.The State Government
Rep. by its Secretary
Dept. of Co-operation, Food and Consumer Protection
St. George Fort, Secretariat,
Chennai-600 009.
- 2.The Registrar of Co-operative Societies,
EVR Maaligai, Kilpauk,
Chennai 600 010
- 3.The Addl. Registrar of Co-operative Societies,
Chennai zone,
No.91, St.Mary's Road, Abhiramapuram,
Chennai-600 018.
- 4.The Joint Registrar of Co-operative Societies
Ariyalur District.
- 5.The Joint Registrar of Co-operative Societies



W.P.No.10722 of 2023

Chengalpattu District.

WEB COPY

- 6.The Joint Registrar of Co-operative Societies
Coimbatore District.
- 7.The Joint Registrar of Co-operative Societies
Cuddalore District.
- 8.The Joint Registrar of Co-operative Societies
Dharmapuri District.
- 9.The Joint Registrar of Co-operative Societies
Dindigul District.
- 10.The Joint Registrar of Co-operative Societies
Erode District.
- 11.The Joint Registrar of Co-operative Societies
Kallakurichi District.
- 12.The Joint Registrar of Co-operative Societies
Kancheepuram District.
- 13.The Joint Registrar of Co-operative Societies
Kanyakumari District.
- 14.The Joint Registrar of Co-operative Societies
Karur District.
- 15.The Joint Registrar of Co-operative Societies
Krishnagiri District.
- 16.The Joint Registrar of Co-operative Societies
Madurai District.
- 17.The Joint Registrar of Co-operative Societies
Mayiladuthurai District.



W.P.No.10722 of 2023

WEB COPY

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Nagapattinam District.
- 19.The Joint Registrar of Co-operative Societies
Namakkal District.
- 20.The Joint Registrar of Co-operative Societies
Nilgiri District.
- 21.The Joint Registrar of Co-operative Societies
Perambalur District.
- 22.The Joint Registrar of Co-operative Societies
Pudukottai District.
- 23.The Joint Registrar of Co-operative Societies
Ramanathapuram District.
- 24.The Joint Registrar of Co-operative Societies
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- 25.The Joint Registrar of Co-operative Societies
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W.P.No.10722 of 2023

30.The Joint Registrar of Co-operative Societies
Theni District.

31.The Joint Registrar of Co-operative Societies
Thirupathur District.

32.The Joint Registrar of Co-operative Societies
Thiruvallur District.

33.The Joint Registrar of Co-operative Societies
Thiruvannamalai District.

34.The Joint Registrar of Co-operative Societies
Thiruvarur District.

35.The Joint Registrar of Co-operative Societies
Thoothukudi District.

36.The Joint Registrar of Co-operative Societies
Tirunelveli District.

37.The Joint Registrar of Co-operative Societies
Thiruppur District.

38.The Joint Registrar of Co-operative Societies
Trichy District.

39.The Joint Registrar of Co-operative Societies
Vellore District.

40.The Joint Registrar of Co-operative Societies
Villupuram District.

41.The Joint Registrar of Co-operative Societies
Virudhunagar District.

... Respondents



W.P.No.10722 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the respondents 3 to 41 to dispose the petitioner's representation dated 10.01.2023 and transfer employees from one society to another society on deputation basis and constitute common cadre service for the servants of the societies by implementing the 2nd respondent Circular No.16/2008 Rc.83470/2006/SF3 dated 17.6.2008 and letter Na.Ka.No.72410/2022/PDS M1, dated 21.11.2022.

For Petitioner : Mr.S.Pushpakaran

For Respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader

ORDER

Mr.K.V.Sajeev Kumar, learned Special Government Pleader accepts notice for all the respondents and is armed with adequate instructions to enable a final disposal of this matter even at this juncture.

2.The petitioner is the Tamil Nadu Government Ration Shop Employees Union. According to the petitioner, the present procedure followed by the respondents for transferring the members of the Union from one Society to another, R4 to R41 being various Co-operative Societies in several Districts in Tamil Nadu, has resulted in great prejudice to its members.

3.The members are employed in societies within the range of 40 to 90 kms and on many an occasion, the transfer/deputation is being made inter



W.P.No.10722 of 2023

district, such deputation itself is on the basis of distribution of work and while justified in principle, the members would prefer an intra district deputation and not an inter district deputation. They draw attention to Rule 2A in Rule 149 of the Tamil Nadu Co-operative Societies Rules, 1988 inserted by G.O.Ms.No.326, dated 23.12.2007, which provides for deputation in the following terms:

'149.Conditions of Service of Paid officers and servants of Societies:

(2A) A Society may transfer an employee to another society for a period of not less than one year on deputation basis and the other society may avail the services of that employee on the terms and conditions agreed to by both the societies.

Provided that no such transfer shall be made for a period exceeding three years.'

4.R2 being the Registrar of Co-operative Societies has also issued a Circular bearing No.16/2008 dated 17.06.2008 issuing guidelines to be followed in the matter of deputation. Pursuant thereto, guidelines have also been issued by R2 in letter No.Na.Ka.79471/2017 dated 08.10.2018.

5.The petitioner has been regularly corresponding with the official respondents i.e. R1 and R2 and in response to its representation dated 17.10.2022, R2 has written to R3 to R41 on 21.11.2022 requesting them to take



W.P.No.10722 of 2023

action as per Circular No.16/2008 dated 17.06.2008. However, the petitioner alleges that the guidelines have not been implemented appropriately, either in letter or in spirit.

6.Hence, this writ petition seeking a mandamus directing the respondents to dispose representation dated 10.01.2023 relating to transfer of employees and also seeking the constitution of a common cadre service for servants of the Societies by implementing Circular No.16/2008 dated 17.06.2008 and letter dated 21.11.2022, both by R2.

7.Mr.Sajeev Kumar would assure the Court that R2 would consider the representation in accordance with law and in light of the Circular and letter referred to by the petitioner. Hence mandamus is issued to R2, who shall consider the representation of the petitioner dated 10.01.2023, in light of Circular No.16/2008 dated 17.06.2008 and letter dated 21.11.2022, and pass order after hearing the petitioner, all within a period of six (6) weeks from the date of receipt of a copy of this order.

8.This writ petition is disposed as above. No costs.

10.04.2023

vs

Index : Yes / No

Speaking Order

Neutral Citation : Yes



W.P.No.10722 of 2023

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W.P.No.10722 of 2023

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W.P.No.10722 of 2023

WEB COPY

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