



W.P.No.27596 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27596 of 2023

C.Vijayabharathi

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
EVR Maaligai, Kilpauk,
Chennai – 600 010.

2.The Joint Registrar of Co-operative Societies/
Chairman District Recruitment Bureau,
Perambalur Zone, Perambalur,
Perambalur District.

3.The Deputy Registrar of Co-operative Societies (PDS)
Perambalur,
Perambalur District.

4.The President,
R.606 Eraiyur Primary Agricultural
Co-operative Credit Society Ltd.,
Eraiyur Post, Veppanthattai Taluk
Perambalur District.

5.The President,
R.1033 Vayalur Primary Agricultural
Co-operative Credit Society Ltd.,
Vayalur, Perambalur.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd and 3rd respondents to pass appropriate orders appointing the petitioner against the existing vacant post of Salesman permanently on transfer in the 4th respondent's Society as per 1st respondent's instruction vide Na.Ka.No.72410/2022/PDS1, dated 21.11.2022 and instruction vide letter Na.Ka.No.72030/2022/DRB, dated 06.02.2023, after considering the 4th respondent's resolution dated 18.02.2023.

For Petitioner : Mr.S.Pushpakaran

For R1 to R3 : Mr.M.Alagu Gowtham
Government Advocate

For R4 and R5 : Mrs.C.Meera Arumugham
Additional Government Pleader

ORDER

This writ petition has been filed to direct the 2nd and 3rd respondents to pass appropriate orders appointing the petitioner against the existing vacant post of Salesman permanently on transfer in the 4th respondent's Society as per 1st respondent's instruction vide Na.Ka.No.72410/2022/PDS1, dated 21.11.2022 and instruction vide letter Na.Ka.No.72030/2022/DRB, dated 06.02.2023, after considering the 4th respondent's resolution dated 18.02.2023.



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2.The petitioner states that she was appointed as Salesman in the respondent Society and she was deputed to work in the 4th respondent Society and she is now working in the 4th respondent Society on deputation basis from 01.04.2022. It is the case of the petitioner that, now recruitment drive is going on to fill up the vacancies in the post of Salesman in Perambalur District. It is the contention of the petitioner that the 1st respondent has issued instructions vide letter bearing Na.Ka.No.72410/2022/PDS1, dated 21.11.2022, stating that when selection is to be made for any existing vacancy, the persons already working on deputation basis or transfer basis may be appointed to such existing vacancies, if they are willing. Further, the 1st respondent has issued instructions vide letter bearing Na.Ka.No.72030/2022/DRB, dated 06.02.2023, stating that the employees who are working 20 km away from their residential place were to be transferred to the place where they are residing and after giving such appointments, the new recruitees may be selected through Recruitment Bureau. It is the grievance of the petitioner that, since she is working in the 4th respondent Society on deputation basis, as per the above instructions of the 1st respondent, she should be appointed on permanent basis in the 4th respondent Society itself. In this regard, the



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petitioner submitted her representation to the respondents. The 4th respondent Society has also passed a resolution on 18.02.2023, requesting the 3rd respondent to take necessary steps to enable the 2nd respondent to pass appropriate orders to that effect. However, no action has been taken by the 2nd respondent so far. Hence, the writ.

3. Heard the learned counsel for the petitioner, Mr.M.Alagu Gowtham, learned Government Advocate, who takes notice for the respondents 1 to 3, and Mrs.C.Meera Arumugham, learned Additional Government Pleader, who takes notice for the respondents 4 and 5.

4. Having regard to the fact that the 4th respondent Society has passed a resolution on 18.02.2023, requesting the 3rd respondent to take necessary steps to enable the 2nd respondent to accord permission for appointment of petitioner on permanent basis in the 4th respondent Society and the resolution has also been forwarded to the 2nd respondent, there shall be a direction to the 2nd respondent to consider the same, on its own merits and in accordance with relevant Rules relating to appointment of employees in Co-operative Societies, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.



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5. With the above direction, this writ petition is disposed of. No

costs.

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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Chennai – 600 010.
2. The Joint Registrar of Co-operative Societies/
Chairman District Recruitment Bureau,
Perambalur Zone, Perambalur,
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