



W.P.(MD) No.6794 of 2020

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED : 03.01.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.6794 of 2020  
and WMP (MD) Nos.6190 to 6192 of 2020

T.Selvam

... Petitioner

-VS-

- 1.The Registrar of Cooperative Societies,  
No.170 Periyar EVR High Road  
NV Natarajan Maligai,  
Kilpauk, Chennai 600 010
- 2.The Joint Registrar of Cooperative Societies  
Joint Registrar Office, Pudukottai Region,  
Pudukottai.
- 3 The Deputy Registrar of Cooperative Societies  
Pudukottai Circle, Pudukottai.
- 4 The Secretary  
YP607 Thirumalairaya Samuthiram Primary  
Agricultural Cooperative Bank Ltd.,  
Kaikurichi Post,  
Pudukottai District



W.P.(MD) No.6794 of 2020

WEB COPY

5 The President,  
YP607 Thirumalairaya Samuthiram Primary  
Agricultural Cooperative Bank Ltd.,  
Kaikurichi Post,  
Pudukottai District

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2<sup>nd</sup> respondent in Na.Ka. 2481/2017/PoViThi-3 dated 23.09.2019 quash the same and consequently direct the respondents to accommodate the petitioner in any of the existing Salesman vacancy in the cooperative ration shops coming under the jurisdiction of the 4<sup>th</sup> respondent.

For Petitioner : Ms.P.Kalaiyarasi Bharathi

For Respondents : Mr.A.Baskaran  
Additional Government Pleader

### ORDER

Challenging the impugned order of the 2<sup>nd</sup> respondent dated 23.09.2019 and for a direction to the respondents to accommodate the petitioner in any of the existing vacancy under the 4<sup>th</sup> respondent, the writ petition has been filed.



W.P.(MD) No.6794 of 2020

WEB COPY

2. The learned counsel for the petitioner would submit that initially the petitioner was appointed as a Salesman on 03.11.1988 at the fourth respondent cooperative bank on consolidated pay and subsequently conferred with permanent status and time scale of pay was fixed. While so, due to the family situation of the petitioner, the petitioner was on medical leave, which has been periodically extended upto 31.01.1998. When the petitioner approached the 4<sup>th</sup> respondent to rejoin duty, his request was rejected. After several requests and petitions filed before the first and second respondents for reinstatement of the petitioner, an enquiry officer was appointed, who gave a report thereby rejecting his request on 13.09.2011 and a revision filed before the 2<sup>nd</sup> respondent under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983, the order of the enquiry officer was confirmed vide order dated 29.03.2012, thereby confirming the order of removal. Thereafter, the petitioner was reinstated into service on 01.03.2016 at Thethampatti Ration shop. Subsequently, he was transferred to Veppangudi shop. However, when the petitioner was about to take charge in the transferred place, he was informed that no such transfer was given to



W.P.(MD) No.6794 of 2020

him. Hence, the petitioner made a representation to the respondents 2 and 4. However, the 2<sup>nd</sup> respondent vide impugned order dated 23.09.2019 stated that since the petitioner was relieved as early as in the year 2012, he cannot be given provided with any job. It is the specific contention of the learned counsel that when the termination order was passed in the year 2012, thereafter, the petitioner was appointed by the fourth respondent as a Salesman and violating his own decision, he cannot now turn around and state that the petitioner is not entitled to be considered for any job. Since the impugned order itself is illegal and arbitrary, the learned counsel prays for appropriate direction.

4. Heard the learned Additional Government Pleader for the respondents.

5. It is the case of the petitioner that during the year 1988, he was appointed as Salesman on consolidated pay and subsequently conferred with permanent status. It is also equally not in dispute that due to the unauthorized absence, the petitioner was relieved from service in the year



W.P.(MD) No.6794 of 2020

2012 and subsequently, he was allowed to join as Salesman in the ration shop of the fourth respondent Society. The removal of the petitioner in the year 2012 was based on the fact that without permission from the department, the petitioner went for Singapore for employment and hence, the said termination order was confirmed by the 2<sup>nd</sup> respondent on 29.03.2012. However, without challenging the said order dated 29.03.2012, the petitioner claims that he was once again appointed in the year on 01.03.2016. However, neither the appointment order nor the transfer order is placed before this Court to substantiate his claim. Without there being a challenge to the order dated 29.03.2012, the petitioner cannot challenge the impugned order passed by the 2<sup>nd</sup> respondent dated 23.09.2019. Therefore, the relief sought for by the petitioner cannot be granted. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

**03.01.2023**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes  
RR



W.P.(MD) No.6794 of 2020

WEB COPY

To

- 1.The Registrar of Cooperative Societies,  
No.170 Periyar EVR High Road  
NV Natarajan Maligai,  
Kilpauk, Chennai 600 010
- 2.The Joint Registrar of Cooperative Societies  
Joint Registrar Office, Pudukottai Region,  
Pudukottai.
- 3 The Deputy Registrar of Cooperative Societies  
Pudukottai Circle, Pudukottai.



WEB COPY



W.P.(MD) No.6794 of 2020

**M.DHANDAPANI, J.**

RR

W.P.(MD) No.6794 of 2022

03.01.2023