



W.P.(MD)No.11233 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11233 of 2023

and

W.M.P.(MD)No.9812 of 2023

K.Kalaiselvam

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Ramanathapuram,
Ramanathapuram District.

2.The Sub-Registrar of Cooperative Societies /
Field Officer,
Nainarkovil Post,
Paramakudi Taluk,
Ramanathapuram District.

3.Q.1218, Memangalam Primary Agricultural
Cooperative Credit Society,
Rep. by its Board / President,
Nainarkovil Post,
Paramakudi Taluk,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to permit the petitioner to join the duty in the



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3rd respondent society as per the orders of the 1st respondent passed in R.P.No.1/2019 in Na.Ka.No.974/2019/Sa.Pa, dated 29.05.2019.

For Petitioner : Mr.R.Velmurugan

For Respondents : Mr.R.Ragavendran,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2.The petitioner is employed as Clerk in the third respondent society. The third respondent society had become sick and it had asked its employees to go on leave on loss of pay. Later, the third respondent society got revived. Now the petitioner wants to rejoin duty. Since it was not allowed, the petitioner filed revision before the first respondent. The first respondent originally dismissed the revision petition. Aggrieved by the same, the petitioner filed W.P.(MD)No.5531 of 2015. Though the said writ petition was dismissed, discretion was given to the first respondent herein to consider the issue on humanitarian basis. Thereafter, the first respondent passed order dated 29.05.2019 directing



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the third respondent to take back the petitioner. Since it has not been complied with, the present writ petition came to be filed.

3.The third respondent is obviously bound by the direction given by the first respondent. In this case, a specific direction for taking the petitioner in service has been issued. The third respondent, if aggrieved should have questioned the same in the manner known to law. That was not done. As on date, the order dated 29.05.2019 issued by the first respondent is holding the field. The third respondent is therefore obliged to comply with the same. The third respondent shall take the petitioner in service forthwith and without any delay.

4.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

15.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN,J.

ias

To:-

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