



W.P.(MD).No.11288 of 2017

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

WEB COPY

**DATED : 31.01.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P.(MD).No.11288 of 2017**

**and**

**W.M.P.(MD).Nos.8668, 8669 and 8670 of 2017**

Prema

... Petitioner

**Vs.**

- 1.The Joint Registrar of Co-operative Societies,  
Nagercoil,  
Kanyakumari District.
- 2.The Deputy Registrar of Co-operative Societies,  
Takkalai Region,  
Kanyakumari District.
- 3.The Ramavarmanchirai Primary Agricultural  
Co-operative Credit Society Limited, No.Y-100,  
Ramavarmanchirai -P.O,  
Kanyakumari District – 629 152.  
Represented by its President.
- 4.The Kunnathur Agricultural Co-operative  
Credit Society Limited, No.Y-55,  
Co-operative Bank Road,  
Puthukkadai – 629 171,  
Vilavancode Taluk,  
Kanyakumari District,  
Represented by its President.



W.P.(MD).No.11288 of 2017

WEB

5. The State of Tamil Nadu,  
Represented by its Secretary,  
Co-operative Food and Consumer Protection Department,  
St.George Fort,  
Chennai.

6. The Registrar of Co-operative Society,  
170, Periyar EVR, Highways,  
Kilpauk,  
Chennai – 10.

... Respondents

*(R-5 and R-6 are suo moto impleaded by this Court vide order dated  
31.01.2023 in W.P.(MD).No.11288 of 2017)*

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings in Na.Ka.2141/2014/Ka.Pa. dated 23.05.2017 passed by the second respondent and quash the same as illegal and consequently direct the third respondent to claim and pay the petitioner's salary every month without any default in the light of proceedings No.Na.Ka.1289/2015 Tho.Ve .Sa.(2) dated 15.12.2016 passed by the first respondent.

For Petitioner : Mr.M.Jerin Mathew,  
For Mr.M.E.Ilango.

For R-1 and R-2 : Mr.S.R.A.Ramachandran,  
Additional Government Pleader.

For R-3 and R-4 : No Appearance.



W.P.(MD).No.11288 of 2017

WEB COPY

## **ORDER**

This Writ Petition is filed challenging the impugned order dated 23.05.2017 whereby cancels the deputation order passed by the respondents, with a consequential relief to pay salary without default in the light of proceedings dated 15.12.2016.

2. The petitioner is qualified to be appointed as Clerk in the Cooperative Society and he was appointed in the third respondent Society on 17.08.1992 through employment exchange and has rendered 24 years of service without any promotion. The financial condition of the third respondent Society was deteriorating and the petitioner was push to the position to work in the said Society without any salary. The petitioner was not granted any revision of salary in accordance to circulars. Hence, the petitioner submitted representation to the first respondent to transfer the petitioner on deputation to some other Society. The first respondent vide order dated 11.09.2015 transferred the petitioner on deputation to the fourth respondent Society for one year. On completion of one year service in the fourth respondent Society, the first respondent extended the deputation for another one year vide proceedings



W.P.(MD).No.11288 of 2017

dated 15.12.2016. Since the third respondent Society indulged in unfair labour practices, the petitioner raised industrial dispute under Section 2(k) of the Industrial Disputes Act, 1947 before the Assistant Commissioner of Labour. The said authority vide proceedings dated 24.03.2017 directed the third and fourth respondents to attend the conciliation proceedings. However, the third respondent inspite of several opportunities did not appear. Moreover, the third respondent instead of attending the conciliation proceedings, behind the back of the petitioner submitted a representation dated 20.05.2017 to the first respondent as if the Secretary of the Society is retiring and the petitioner service is necessary, therefore, represented as if the petitioner is necessary to the said Society. Therefore, the first respondent has cancelled the deputation order. Now, the petitioner is push to the state, he is neither working in the third respondent Society nor working in the fourth respondent Society for the past 6 years. The petitioner has not paid any salary as well. Any deputation order is passed, it is valid for the said period then there shall be an extension. Moreover, the deputation order cannot be passed beyond the period of 3 years. If it is necessary beyond the period of three years, then the Government ought to grant permission.



W.P.(MD).No.11288 of 2017

WEB COP 3

3. Therefore, this Court is of the considered opinion that the impugned order is liable to be quashed and the same is quashed. The petitioner shall submit a representation to the 1<sup>st</sup> respondent as well as to Registrar of Cooperative Societies and to the Government. However, the Registrar of Cooperative Societies and Government are not the parties. Therefore, this Court is *suo moto* impleading the Secretary, Co-operative Food and Consumer Protection Department, St.George Fort, Chennai and the Registrar of Co-operative Society, 170, Periyar EVR, Highways, Kilpauk, Chennai – 10 as 5<sup>th</sup> and 6<sup>th</sup> respondents. The 1<sup>st</sup>, 5<sup>th</sup> and 6<sup>th</sup> respondents shall consider the petitioner's case and post the petitioner in any other Society which is financially viable. Until the order is passed in the petitioner's representation, the petitioner shall continue in the 4<sup>th</sup> respondent Society. The 4<sup>th</sup> respondent Society shall accommodate the petitioner and pay the salary. As far as the salary to the non-employment period, the petitioner shall submit a representation to the 1<sup>st</sup> respondent and the 1<sup>st</sup> respondent shall pass appropriate orders. The entire exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



W.P.(MD).No.11288 of 2017

4. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**31.01.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
Nsr

**Note: Registry is directed to carry out necessary amendments in the cause title.**

To

- 1.The Joint Registrar of Co-operative Societies,  
Nagercoil,  
Kanyakumari District.
- 2.The Deputy Registrar of Co-operative Societies,  
Takkalai Region,  
Kanyakumari District.
3. The State of Tamil Nadu,  
Represented by its Secretary,  
Co-operative Food and Consumer Protection Department,  
St.George Fort,  
Chennai.
4. The Registrar of Co-operative Society,  
170, Periyar EVR, Highways,  
Kilpauk, Chennai – 10.



WEB COPY



W.P.(MD).No.11288 of 2017

S.SRIMATHY, J.

Nsr

W.P.(MD).No.11288 of 2017

31.01.2023