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W.P.No.12732 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.12732 of 2015

R.Rajagopal

....Petitioner

Vs

1. The Joint Registrar, Law and Trainee
Recruitment Controlling Office,
State Employment Forum,
O/o. The Registrar of Co-operative Societies
No.171, E.V.R. High Road, Kilpauk,
Chennai 600 010.
2. The Joint Registrar of Co-operative Societies,
Nagapattinam Region, Nagapattinam.
3. The Registrar, O.No.4, Nagapattinam Municipality
Employees Co-operative Credit and Thrift Society,
Nagapattinam P.O., Nagapattinam.
4. Rameshkumar.K

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Declaration, declaring the order passed by the 1st Respondent in Na.Ka.No.04/2014/ASE appointing the 4th respondent in place of the petitioner/Junior Assistant as null and void.



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For Petitioner : Mr.Chellamuthu Rangaraju
for Mr.T.Dhansekaran

For R1 to R3 : Mr.T.M.Rajangam

For R4 : No appearance

ORDER

The Writ Petition has been filed for declaration to declare the order passed by the 1st Respondent in Na.Ka.No.04/2014/ASE appointing the 4th respondent in place of the petitioner/Junior Assistant as null and void.

2. It is the case of the petitioner that he has been working as a Fertilizer Seller from 19.04.1997 in the Z.A.80, Venmani. Tho.V. Co-operative Society, where he has been fixed and paid monthly salary. On 19.12.2009, he was transferred to the 3rd respondent's Office as Junior Assistant and subsequently his employment was extended from 23.08.2013 to one year deputation as Junior Assistant in the 3rd Respondent Society. The 3rd Respondent has also passed resolution on 08.08.2011 resolving for permanent absorption. Therefore, according to the petitioner, in view of the resolution, he is a full time employee under the 3rd Respondent Cooperative



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Society, but however 1st Respondent by the impugned proceedings dated 30.03.2014 appointed 4th respondent as Junior Assistant in the place of the petitioner. Apprehending that in view of the appointment of the 4th respondent, his services will be disturbed, petitioner preferred the present Writ Petition.

3. This Court by an interim order dated 28.04.2015, restrained the 1st respondent from appointing the 4th respondent in the place of the petitioner, if his appointment is disturbed, but however if the appointment of the 4th respondent is without disturbing the services of the petitioner, there is no impediment for appointment of the 4th respondent.

4. The respondents (1 to 3) filed a counter affidavit wherein, it is stated that the 4th respondent K.Ramesh Kumar has not reported to the 3rd respondent Society and further he has also given a letter dated 08.06.2015 stating that he is not willing to join in the post of the Society. Para (7) of the Counter is extracted hereunder:



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I further submit that the candidate K. Ramesh Kumar has not reported to the 3rd respondent Cooperative Society till date. He has given a letter dated 08.06.2015 stating that he has not undergone the Cooperative training and not willing to join in the post in the said society. I further submit that the apprehension of the petitioner that he would be thrown out is not correct on the expiry of the deputation period he has to rejoin in the Venmani Primary Agricultural Cooperative Credit Society the parent society from where, he was deputed to the 3rd respondent society on deputation basis. As such his contention in this regard is not correct.

5. The petitioner had come up with the Writ Petition only on the apprehension that if the appointment of the 4th respondent in the 3rd respondent's Society as Junior Assistant is given effect to, then his services will be disturbed. Even though his apprehension was protected by the Interim Order of this Court, now, in view of the categorical assertion of the respondents in counter affidavit that the 4th respondent has opted out from joining the services of the 3rd respondent's Society, the prayer in the Writ Petition to declare the order of the 1st respondent in appointing the 4th respondent does not survive for further adjudication.



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6. Recording the same, the Writ Petition is dismissed. No costs.

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Index : Yes/No
Neutral Citation : Yes
Speaking order : Yes
Sma

To

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G.ARUL MURUGAN, J

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