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W.P.No.26648 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.26648 of 2021
and W.M.P.No.28091 of 2021

V.Pandiyarajan

...

Petitioner

/vs/

1. The Registrar of Co-operative Societies (Housing),
No.51, Ritherton Salai,
Veperry, Chennai – 7.

2. The Deputy Registrar of Co-operative Societies (Housing),
Chennai Region,
Chennai – 17.

3. The Chennai Metropolitan Housing Society Ltd.,
Rep. by its Chief Executive Officer,
No.50, Ritherton Salai,
Veperry, Chennai – 7.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the order passed by the second respondent in Na.Ka.No.873/2020/C2 dated 02.08.2021 and consequential order of the third respondent in



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Na.Ka.No.8/2021-22 dated 07.09.2021 quash the same and consequently direct the first respondent to consider the absorption proposal submitted by the third respondent society dated 18.02.2021 in the light of G.O.Ms.No.18 Housing and Urban Development (HSC-2) department dated 05.02.2018.

For Petitioner ... Ms.R.Soundhari
for Mr.M.S.Palaniswamy

For Respondents ... Mr.P.Sathish
Additional Govt. Pleader for R1 to R3

ORDER

Heard Ms.R.Soundhari, the learned counsel for the petitioner and Mr.P.Sathish, the learned Additional Government Pleader for R1 to R3.

2. The petitioner has filed this writ petition challenging the order passed by the second respondent in Na.Ka.No.873/2020/C2 dated 02.08.2021 and consequential order of the third respondent in Na.Ka.No.8/2021-22 dated 07.09.2021 and to direct the first respondent to consider the absorption proposal submitted by the third respondent society dated 18.02.2021 in the light of G.O.Ms.No.18 Housing and Urban



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Development (HSC-2) department dated 05.02.2018.

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3. Ms.R.Soundhari, the learned counsel for the petitioner, submitted that the petitioner was appointed as Clerk in Virudhachalam Co-operative Building Society on 24.06.1995 and later he was promoted on 18.10.2002 as Accountant of the said Society; as per the order of the first respondent dated 24.01.2018, the petitioner was deputed to work at the third respondent Society for a period of three years and the petitioner joined in the third respondent Society on 28.02.2018; before expiry of tenure of three years, the third respondent Society has sent a proposal to the first respondent on 18.02.2021 to absorb the petitioner permanently in the third respondent Society; the petitioner had also given a representation in terms of G.O.Ms.No.18, Housing and Urban Development (HSC-2) Department dated 05.02.2018; during the pendency of this proposal, the second respondent directed the third respondent to relieve the petitioner from service and the, the petitioner was also relieved from the third respondent society from 07.09.2021; however the petitioner continues to work in the third respondent Society till now.



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4. Mr.P.Sathish, the learned Additional Government Pleader for the respondents 1 to 3, submitted that the proposal sent by the third respondent to absorb the petitioner permanently in the third respondent Society is under consideration with the first respondent and in fact the Virudhachalam Co-operative Society, where the petitioner had originally worked, has also given 'No-objection' letter vide letter dated 19.01.2021 for absorbing the petitioner in the third respondent Society; the third respondent Society has also passed a resolution on 29.01.2021 to confirm the appointment of the petitioner as 'Clerk' on the third respondent on permanent basis.

5. In view of the said development, the first respondent shall consider the recommendation of the third respondent and the representation of the petitioner favourably. Since the petitioner continues to work with the third respondent, the impugned relieving order is liable to be quashed.



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6. In the result, the Writ Petition is allowed and the impugned order passed by the second respondent in Na.Ka.No.873/2020/C2 dated 02.08.2021 and consequential order of the third respondent in Na.Ka.No.8/2021-22 dated 07.09.2021 is hereby quashed and the first respondent is directed to pass orders on the basis of the resolution passed by the third respondent and issue orders confirming the appointment of the petitioner as 'Clerk' on permanent basis in the third respondent Society, within a period of six weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

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Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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R.N.MANJULA ,J.

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To:

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