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W.P.No.27982 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27982 of 2021

K.Sundar

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Petitioner

versus

- 1.The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.
- 2.The Joint Registrar of Co-operative Societies,
Public Distribution System - II,
Chennai - 600 093.
- 3.M.Soundar Rajan,
State President,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.
- 4.V.Chellaiah,
General Secretary,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.



5.R.Pattabiraman,
State Treasurer,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.

6.S.Padma,
Vice President,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.

7.G.Palaniammal,
State Secretary,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.

8.R.Navanetha Krishnan,
State Secretary,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.

9.T.Vinoth Raja,
State Secretary,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
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10.S.Mariappan,
State Vice President,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.

11.P.Sivakumar,
State Vice President,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.

12.T.K.Ramasamy,
State Vice President,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.

13.K.Pitchai Velu,
State Vice President,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.

14.N.Velayutham,
State Vice President,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.



15. Xavier Expadit Sebastian,
State Secretary,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.

16. T. Ramakrishnan,
State Secretary,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai – 5.

17. Mr. S. Balakrishnan,
State Secretary,
Tamil Nadu Co-operative Department Employees Association,
State Centre, M.R.Appan Illam,
No.46, Car Street,
Triplicane, Chennai - 5.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the representation of the petitioner dated 10.08.2021 as per the G.O.(Ms.)No.99, P & AR Department, dated 21.09.2015 in regard to take action against the office bearers of Tamil Nadu Co-operative Department Employees Association for violation of Rule - II of the Government Servants conduct Rules and for affixing defame poster in the Government Office Compound Wall and also giving wrong press news against the Deputy Registrar in the Jaya Plus T.V. Channel, and also You Tube Channel.



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For Petitioner : Mr.K.Arumugam
For Respondent Nos.1 & 2 : Mrs.M.Geetha Thamaraiselvan
Special Government Pleader
For Respondent Nos.3, 4 & 6 : Mr.Mohammad Yoqoob Kafeel
For Respondent Nos.5,7 to 17 : No Appearance

ORDER

Heard Mr.K.Arumugam, learned counsel for the petitioner and Mrs.M.Geetha Thamaraiselvan, learned Special Government Pleader for the respondents 1 and 2, Mr.Mohammad Yoqoob Kafeel, learned counsel for the respondents 3, 4 and 6 and perused the materials available on record.

2. The petitioner has challenged the transfer order by way of filing Writ Petition in W.P.No.9038 of 2020 and in which, an interim stay has been granted. Subsequently, the petitioner has given repeated representations to allow him to join in a vacant post existing at Triplicane but he was not permitted to join duty. Subsequently, an interim order has been passed on 09.07.2020 and in compliance of the order passed by this Court, the petitioner was permitted to join duty in the existing post at Triplicane. However, he was not paid with his salary and hence, he filed



another Writ Petition in W.P.No.19862 of 2020. In the meanwhile, some disciplinary proceedings have been initiated against him by the 2nd respondent and an enquiry officer has been appointed to conduct an enquiry on the basis of the complaint given by the Tamil Nadu Co-operative Department Employees Association.

3. The grievance of the petitioner is that the said enquiry is pending and the office bearers and the members are defaming the petitioner's name in the public by conducting demonstration, affixing the posters in the office compound wall and by giving false news to Jaya Plus TV channel and You Tube channel by stating that the petitioner had misbehaved with the lady staff and that he was a person of unsound mind. Hence, the petitioner had given a representation to the 2nd respondent to initiate action against the office bearers of the Association for defaming his name in the public. But the 2nd respondent has not taken any action so far and hence, he filed this Writ Petition seeking direction to the 2nd respondent to consider and pass orders.



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4. Mrs.M.Geetha Thamaraiselvan, learned Special Government Pleader for the respondents 1 and 2 submitted that the enquiry proceedings against the petitioner is pending only on the complaint given by the Tamil Nadu Co-operative Department Employees Association.

5. Having given a complaint, the complainant could have waited to see the outcome of the enquiry and the action taken by the employer. But he should not take the law in his hands by giving press news or giving interviews to social media or TV channels. A complaint given by the Association was seriously taken by the employer by initiating action against the petitioner and the same sensitivity should be shown by the 2nd respondent when a similar complaint has been given by an individual by stating that he is being defamed by the officer bearers of the Association, who are also the staff members are exceeding their limits.

6. Since the petitioner had already given a representation in this regard, it is obligatory on the part of the 2nd respondent to initiate action if any, by making proper enquiry and to see the enquiry proceedings as against the petitioner goes peacefully without any hindrance.



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With the above observation, this Writ Petition is **disposed**. No costs.

26.02.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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WEB COPY

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R.N.MANJULA, J.

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