



W.P(MD)No.510 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.510 of 2021
and
W.M.P(MD)No.438 of 2021

R.Kamalakkannan

... Petitioner

Vs.

1.The Registrar of Co-operative Societies (Housing),
Veppery, Chennai.

2.The Regional Deputy Registrar of Co-operative
Societies (Housing),
Thanjavur, Thanjavur District.

3.Thirubuvanam Co-operative House Building
Society Limited Z.857,
Represented by its Special Officer,
Thirubuvanam-612 103,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings bearing Na.Ka.No.135/2018 Na.Vee.Va. dated 02.09.2020 issued by the second respondent and quash the same consequently directing the respondents 1 and 2 to give re-employment to



W.P(MD)No.510 of 2021

the petitioner by absorbing in any other co-operative societies within a period specifically mentioned by this Court.

*(Prayed amended vide Court order, dated 25.01.2021
made in W.M.P(MD)No.1023 of 2021 in W.P(MD)No.
510 of 2021)*

For Petitioner : Mr.M.Gnanagurunathan

For R-1 & R-2 : Mr.N.GA.Nataraj
Government Advocate

For R-3 : No appearance

ORDER

The petitioner herein claims to have been appointed in the third respondent Society as an Attender on 14.02.1995 and worked in the third respondent's Society for about 23 years without any blemish. It is further case of the petitioner that the third respondent Society failed to pay salary i.e., payable to the petitioner for about 28 months to a tune of Rs.2,00,913/- and the third respondent Society also stated to have been ordered to be wind up by the second respondent. Under those circumstances, the petitioner claims to have approach the second respondent bringing to his notice about this condition and



W.P(MD)No.510 of 2021

also bringing to his notice about eligibility of vacancies in other similar Societies and seeking an order to appoint him in any other Societies. The said request for the petitioner is negated by the second respondent by passing the impugned order, dated 02.09.2020 on the ground that the third respondent Society in which the petitioner has worked, is ordered to be wind up and hence, he cannot be continued in service nor he can accommodate the petitioner herein in any other Society.

2. It is not in dispute that each Society is independent and is governed by their own set of bylaws and there is no inter connection between one Society to the other Society. The second respondent herein is only a supervising authority in terms of the provisions contained in Tamil Nadu Co-operative Societies Act and he is not the authority to appoint or dismiss any employee of any of the Societies. In the circumstances, the second respondent has no authority to appoint the petitioner in any other Society as requested by the petitioner and rightly second respondent issued the impugned proceedings. Except contending that there are vacancies available in other similar Societies to that of third respondent Society, no other provision or basis is brought to the notice of this Court for claiming employment in other Societies.



W.P(MD)No.510 of 2021

WEB COPY

3. In the circumstances, this Court is not inclined to entertain this writ petition and the same is accordingly, dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

28.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Registrar of Co-operative Societies (Housing),
Veppery, Chennai.
- 2.The Regional Deputy Registrar of Co-operative
Societies (Housing),
Thanjavur, Thanjavur District.
- 3.The Special Officer,
Thirubuvanam Co-operative House Building
Society Limited Z.857,
Thirubuvanam-612 103,
Thanjavur District.



WEB COPY



W.P(MD)No.510 of 2021

MUMMINENI SUDHEER KUMAR, J.

BTR

W.P(MD)No.510 of 2021

28.02.2024