



W.P.(MD)No.4756 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

WEB COPY

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.4756 of 2024

and

W.M.P.(MD)No.4568 of 2024

I.Sundaralingam

... Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
N.V.N.Natarajan Maaligai,
No.170, Periyar EVR High Road,
Kilpauk, Chennai.
- 2.The Joint Registrar of Co-operative Societies,
Palayamkottai, Tirunelveli District.
- 3.The Deputy Registrar of Co-operative Societies,
Cheranmahadevi, Ambasamudram Taluk,
Tirunelveli District.
- 4.The Administrator,
EE-440, Kasthuri Rengapuram Primary Agricultural
Cooperative Society,
Kasthuri Rengapuram,
Tirunelveli District.
- 5.The Administrator,
A.507, Panagudi Primary Agricultural
Cooperative Credit Society,
Panagudi, Tirunelveli District.
- 6.The Administrator,
0.1917, Ramakrishnapuram Primary
Agricultural Cooperative Credit Society,



W.P.(MD)No.4756 of 2023

Kariyandi, Thisayanvilai Taluk,
Tirunelveli District.

7.Kalathiappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.No. 2182/2019/ Tho.Ve.Sa dated 26.06.2023 and to quash the same as illegal and unconstitutional consequently direct the respondents 1 to 6 to appoint the petitioner as clerk in the 5th respondent society by considering the representation of the petitioner dated 13.01.2024 with all service and monetary benefits to the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.D.Senthilkumar
For R1 to R6 : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition challenging the order dated 26.06.2023 passed by the third respondent deputing the seventh respondent to the third respondent Society and to appoint the petitioner as a clerk in the fifth respondent Society by considering the representation of the petitioner dated 13.01.2024 with all service and monetary benefits.

2.Heard Mr.G.Aravinthan, learned counsel for the petitioner and Mr.K.S.Selvaganean, learned Additional Government Pleader for the respondents 1 to 6.



WEB COPY

3.The petitioner was the erstwhile employee of the fifth respondent Society and he had been deputed to the fourth respondent Society, subsequently. For the reasons, best known to the petitioner, he got relieved from the fourth respondent society. Subsequent to his relieving from the fourth respondent Society, he was not accepted by the fifth respondent Society and he was terminated from service. He challenged the termination order before this Court. Thereafter, by virtue of the orders of this Court, he got deputed to the sixth respondent Society.

4.The deputation would be only for three years. Now, the petitioner completed only two years and he has got one more year to be completed in the period of deputation. In the meantime, since the seventh respondent has been deputed to the fifth respondent Society, the petitioner has filed this writ petition challenging that order deputing the seventh respondent to the fifth respondent Society. He had challenged the said order stating that in case, after the deputation period in the sixth respondent Society, if he is repatriated back to the fifth respondent Society, he would get the retiral benefits from the fifth respondent Society. Hence, he submitted that the deputation of the seventh respondent to the fifth respondent Society is not correct.



W.P.(MD)No.4756 of 2024

5.The petitioner cannot presume a situation which is not unfolded now.

The petitioner had one more year of deputation in the sixth respondent Society and after completion of his deputation, it is for the third respondent to take a decision about repatriating the petitioner to his parent Society. During the relevant point of time, it is up to the third respondent to get the petitioner in the fifth respondent Society by passing necessary order in respect of seventh respondent, who might also be there in the fifth respondent society. At this early point in time, this Court cannot issue any direction to the third respondent with regard to the claim of the petitioner.

6.Further, the petitioner shall give a request to cancel his deputation, if he is not interested in continuing in the sixth respondent Society and to go back to his parent Society. If any such representation /request is made, the third respondent shall consider the same on its own merits and pass appropriate orders in accordance with law within the expiry of the period of deputation.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

31.07.2024

NCC:yes/no
Index:yes/no
ta

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)No.4756 of 2021

To

- 1.The Registrar of Co-operative Societies,
N.V.N.Natarajan Maaligai,
No.170, Periyar EVR High Road,
Kilpauk, Chennai.
- 2.The Joint Registrar of Co-operative Societies,
Palayamkottai,
Tirunelveli District.
- 3.The Deputy Registrar of Co-operative Societies,
Cheranmahadevi,
Ambasamudram Taluk,
Tirunelveli District.
- 4.The Administrator,
EE-440, Kasthuri Rengapuram Primary Agricultural
Cooperative Society,
Kasthuri Rengapuram,
Tirunelveli District.
- 5.The Administrator,
A.507, Panagudi Primary Agricultural
Cooperative Credit Society,
Panagudi,
Tirunelveli District.
- 6.The Administrator,
0.1917, Ramakrishnapuram Primary
Agricultural Cooperative Credit Society,
Kariyandi, Thisayanvilai Taluk,
Tirunelveli District.



WEB COPY



W.P.(MD)No.4756 of 2024

R.N.MANJULA, J.

ta

W.P.(MD)No.4756 of 2024

31.07.2024