



W.P.(MD)No.11006 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.11006 of 2024
and
W.M.P.(MD).Nos.9801 & 9802 of 2024

S.Ravichandran

... Petitioner

Vs.

1.The Co-operative Sub Registrar / Managing Director,
A 2478 Melur Agricultural Producers cum Marketing Society,
31 Trichy Main Road,
Melur,
Madurai District-625 106.

2.The Joint Registrar of Co-operative Societies,
Madurai Region,
Palanganatham,
Near Roundana,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records from the first respondent and quash the order in Na.Ka.02/2024/Pa.Thou of the second respondent dated 04.04.2024 which inflicts a punishment upon the petitioner by reducing him in rank from that of a Clerk to that of Salesman and to set aside the consequential transfer order Na.Ka.02//2024/Pa.Tho dated 15.04.2024 issued by the first respondent transferring the petitioner to Karungalkudi Fair Price Shop for Women as a salesman by way of effecting the rank reduction



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concealing the fact that the petitioner has given a representation dated 09.04.2024 conveying his intention to file a review petition to the second respondent as per Section 153 of the Tamil Nadu Co-operative Societies Act, 1983.

For Petitioner : Mr.Y.Arulanandasamy

For Respondents : Mr.S.Kameshwaran,
Government Advocate

ORDER

Heard Mr.Y.Arulanandasamy, learned counsel appearing for the petitioner and Mr.S.Kameshwaran, learned Government Advocate appearing for the respondents.

2. The petitioner who has been imposed with the punishment of reduction of rank for certain alleged charges has filed this Writ petition.

3. The punishment order has been issued on 04.04.2024 and consequential transfer order has been passed on 15.04.2024 by transferring the petitioner from Melur to Karungalakudi Fair Price Shop for Women.



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4. Mr.Y.Arulanandasamy, learned counsel appearing for the petitioner submitted that now the petitioner has given a representation dated 09.04.2024 by informing his intention to file a review petition as per Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. But, even before filing the review petition he was disturbed from A 2478 Melur Agricultural Producers cum Marketing Society by way of issuing the transfer order dated 15.04.2024. No doubt the appropriate authority has power to transfer the employees on administrative grounds, it is according to the petitioner, the said transfer is a punishment transfer despite he has already been punished with reduction in rank.

5. It is learnt that the petitioner has a filed review petition and the same is pending. In such case, the respondent could have waited for the outcome of the review before effecting any transfer to the petitioner. Since the order has taken into effect from 15.04.2024 and it is a chain of transfer, the entire order cannot be set aside. But the petitioner can give a fresh representation to the second respondent to re-transfer him in the original place or any other nearby place so as to enable him to contest a review petition effectively and on the receipt of the same, the second respondent shall consider and pass orders.



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6. In view of the above the Writ Petition is **disposed of** with a direction to the petitioner to give fresh representation to the second respondent and on receipt of the same, the second respondent is directed to pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

03.06.2024

Index:yes/no

Internet:yes/no

Ncc : yes/no

TSG

To

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R.N.MANJULA, J.

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