



WP(MD). No.15247 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 10/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.15247 of 2024 and
WMP(MD) No.13361 of 2024**

Chinnakkalai. V

... Petitioner

Vs

1. The District Level Deputation Committee,
Rep by the Joint Registrar of Cooperative Societies,
O/o. the Joint Registrar of Cooperative Societies,
Dindigul.

2. The Coordinator,
O/o. the Joint Registrar of Cooperative Societies,
Dindigul.

3. The Administrator,
D.D. 556, Gujjiliamparai Primary
Agricultural Cooperative Credit Socceity,
Gujjiliamparai,
Gujjiliamparai Taluk,
Dindigul District.

4. The Administrator,
A.1976 Narasingampuram Primary
Agricultural Cooperative Credit Socceity,
Narasingapuram, Gujjiliamparai Taluk,
Dindigul District.



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5. R.Arumugam

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceeding dated 19.06.2024 passed by the 1st respondent and the consequential order vide Na.Ka.No. 288/2023/Sa.Pa dated 19.06.2024 passed by the 2nd respondent and the consequential order vide Na.Ka.No. 288/2023/Sa.Pa dated 19.06.2024 passed by the 2nd respondent and the order passed by the 3rd respondent vide Na.Ka.No. 2/2024 Ku.Pa.Sa dated 21.06.2024 and quash the same and consequential direction to the respondents to permit the petitioner to work continuously in the D.D.556, Gujjiliamparai Primary Agricultural Cooperative credit society/3rd respondent.

For Petitioner : Mr.Balamurugan S,
For Respondent : Mr.S.Selvaganesan for R1 to R4
Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.



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2. Heard the learned counsel for the petitioner and the learned Additional Government pleader for the respondents 1 to 4. Since no adverse order is going to be passed against the 5th respondent, notice to the 5th respondent is dispensed with.

3. The petitioner has filed this writ petition challenging the impugned proceeding of the 1st respondent dated 19.06.2024, the consequential order of the 2nd respondent dated 19.06.2024 and the order passed by the 3rd respondent dated 21.06.2024 and to direct the respondents to permit the petitioner to work continuously in the 3rd respondent society.

4. The petitioner was appointed as a Salesman in the respondent society on 29.01.1991 in the regular vacancy. While the petitioner was working in the third respondent society, he has been transferred to the 4th respondent society and the 5th respondent has been deputed to the third respondent society, ie., in the vacancy arises due to the transfer of the petitioner from the third respondent society, vide impugned order dated 21.06.2024.



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5. The learned counsel for the petitioner submitted that both the transfer of the petitioner and the consequential deputation of the 5th respondent are with *mala fide* intention to accommodate the 5th respondent at the third respondent society/Gujiliyamparai. It is stated that the petitioner has been disturbed during the middle of the academic year and it is illegal.

6. It is learnt from the submission made by the learned Additional Government Pleader that both the 3rd respondent society and the 4th respondent society are situated at Gujiliyamparai Taluk at a distance of 30 kilometres. The transfer order dated 19.06.2024 has not been made only in respect of the petitioner, but have been passed against five persons including the petitioner herein, pursuant to the circular of the Registrar of Cooperative Societies in Circular No.16/2008 in (Na.Ka.No. 83470/06/sapa dated 17.06.2008.)

7. Pursuant to the above circular, it is stated that recommendation has been received from the Deputy Tahsildar and thereafter, the



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petitioner and others have been deputed to the different places from the place which they have been functioning.

8. The learned counsel for the petitioner submitted that as per the deputation rule, a person can be allowed to be in a place for a period of three years. Even before the said three years has been completed, the petitioner has been disturbed in order to accommodate the 5th respondent to Gujiliyamparai.

9. In fact, the petitioner has been sent to deputation to Alagiyapuram Cooperative Society. If the administrative authority has taken a policy decision for changing the deputation of respective individuals, it is for them to decide and pass appropriate orders. Just because, the rule of deputation would state that a person can be allowed to be occupied the deputational post for a maximum period of three years, the petitioner cannot insist that the 5th respondent should be retained in his earlier place on deputation until completion of three years period. It is for the administrative authority to cancel the deputation or change the deputation to some other place.



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10. The petitioner has filed this writ petition without any materials and hence, does not deserve to be considered on merits. The petition lacks merit and accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

10.07.2024

RR

1. The District Level Deputation Committee,
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Dindigul.

2. The Coordinator,
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R.N.MANJULA,J

RR

**ORDER
IN
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