



W.P(MD)No.18184 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.18184 of 2022

and

W.M.P(MD)Nos.13261 & 13262 of 2022

S.C.Usha

... Petitioner

Vs.

1.The Regional Joint Registrar of
Cooperative Societies,
Kanyakumari Region,
Kanyakumari.

2.V-778 Vencode Primary Agricultural
Cooperative Credit Society,
Vencode Post – 629 171,
Kanyakumari,
Rep. By its President

3.K.Mallika,
Secretary,
Vilunthambalam Primary Agricultural
Cooperative Credit Society Limited,
Kanyakumari District.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for records relating to the impugned proceedings of the 1st respondent in Na.Ka.3024/2019/ThoVeSa(1) dated 30.06.2022, appointing the 3rd respondent as the Secretary of the 2nd respondent society is concerned and quash the same.



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For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.S.Shanmugavel
Special Government Pleader for R1
Mr.V.H.S.Prathap for R2
No appearance for R3

* * * * *

ORDER

The instant writ petition has been filed challenging the order of appointment of Secretary to the Vilunthaambalam Primary Agricultural Cooperative Credit Society.

2.According to the learned Counsel appearing for the writ petitioner, as on the date of impugned order, she is an Assistant Secretary of the concerned Society and she is also in charge of the Society. Being in charge of the society, she falls within the Tamil Nadu Primary Agricultural Cooperative Societies Common Cadre Service Rules, 2019 and therefore, her services cannot be affected by the orders of the Joint Registrar of the Co-operative Societies. He further contended that the private respondent herein has been transferred by the individual orders of the Joint Registrar of the Co-operative Society without consulting the committee. He further contended that the order of transfer is tainted with malafides, because later, she was placed under suspension by the authorities concerned.



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3.Per contra, the learned Counsel appearing for the respondent herein pointed out that the petitioner being an Assistant Secretary, she is not governed by the Tamil Nadu Primary Agricultural Co-operative Societies Common Cadre Service Rules, 2019. He further contended that the appointment of the private respondent herein cannot be challenged the writ petitioner.

4.A perusal of the impugned order clearly reveals that a full time Secretary is being appointed to the Society, wherein the petitioner will lose her post as in-charge Secretary and she will be relegated to the original position of Assistant Secretary of the Society. This order of transfer would not in any way affect the service conditions of the writ petitioner. If the order of transfer is without jurisdiction, it is for the private respondent namely the third respondent to challenge the said order of transfer. The writ petitioner has no *locus standi* to challenge the said order of transfer.

5.In view of the above said observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

27.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

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



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To

The Regional Joint Registrar of
Cooperative Societies,
Kanyakumari Region,
Kanyakumari.



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R.VIJAYAKUMAR, J.

RJR

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