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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.781 of 2025
and W.M.P.No.951 of 2025

K.Pandian

.. Petitioner

Vs.

1.The Chairman / Joint Registrar of Cooperative Societies,
District Recruitment Bureau,
Beach Road, Manjakuppam,
Cuddalore – 1.

2.The Administrator,
E.2665, C.Mutlur Primary Agricultural Cooperative Credit Society,
C.Mutlur Village & Post – 608 102,
Bhuvanagiri Taluk,
Cuddalore District.

3.The Administrator,
E.2588 Nandhimangalam Primary Agricultural Cooperative Credit Society,
Poolamedu & Post,
Chidambaram Taluk,
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pass appropriate order for permanent absorption to the petitioner in the post of Salesman in the 2nd respondent society by taking note of circular issued by



the Registrar of Cooperative Societies in his proceedings in
Na.Ka.No.72030/2022/Ma.Aa.Sae.Ni dated 06.02.2023.

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For Petitioner .. Mr.C.Prakasam

For Respondents .. Mr.S.Ravikumar, SGP for R1

Mr.C.Selvaraj, AGP for R2 and R3

ORDER

The petitioner had been appointed as salesman in the 3rd respondent society, Nandhimangalam Primary Agricultural Cooperative Credit Society, Chidambaram Taluk, Cuddalore District, in the year 2019. The petitioner was then deputed to the 2nd respondent society. He had been functioning for more than one year. It is contended in the counter affidavit that for the 2nd respondent society, the post of salesman had been vacant and now a recruitment process is under way and if new recruits are appointed, then they will join in the 2nd respondent society. The petitioner will necessarily have to go back to the 3rd respondent society. It is under those circumstances that this writ petition has been filed seeking retention of the petitioner in the 2nd respondent society.



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2.The learned counsel for the petitioner placed reliance on the circular issued by the Registrar of Cooperative Societies, wherein it had been stated that any deputation or any other transfer should only be within a radius of 20 Kms and every effort should be taken to ensure that particularly salesman are not put to difficulties.

3.But however, the learned Special Government Pleader pointed out that this particular circular is not applicable to persons, who are already under deputation. With respect to deputation, reliance is placed on Rule 149(2-A) of the Tamil Nadu Cooperative Societies Rules 1988, wherein deputation to another society is permitted. But however, the outer time limit is given that it should be only for a period of one year. The period under which the petitioner had been working under the 2nd respondent society had far exceeded one year. It is further contended on behalf of the petitioner that the petitioner is also disabled and therefore, he would be put to much difficulty, if he is reverted back to the 3rd respondent society.

4.That is an issue which the 1st respondent may consider if a representation is made. But primarily, the petitioner cannot continue to be in



deputation in the 2nd respondent society since new recruits had been called for and the posts would be filled up. The posts in the 2nd respondent society for saleman are vacant as on date. The petitioner is working on deputation. Let him go back to the 3rd respondent society and give a fresh representation citing his disability and seek to be posted to any other society, which is close by or within the 20 Kms radius. The 1st respondent may take appropriate decision on such representation is given.

5. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

25.03.2025

Index: Yes/No
Internet: Yes/No
smv

To

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C.V.KARTHIKEYAN,J.

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6



W.P.No.781 of 2025

25.03.2025