

WP(MD). No.17368 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22/07/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.17368 of 2026

P.Manikandan

... Petitioner

Vs

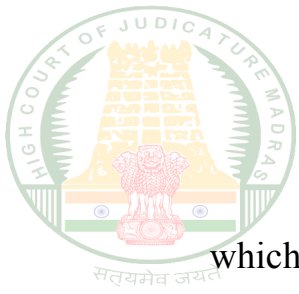
1. The Registrar,
Co-Operative Societies (Housing Board) Office,
Tamilnadu Co-Operative Housing Federation Ltd.,
II Floor, No.48, Ritherton Road,
Vepperi, Chennai – 600 007.

2. The Deputy Registrar,,
(Tamilnadu Co-Operative Housing Ltd.),
No.5a, Baskar Complex,
Besant Road,
Chinnachokkikulam,
Madurai 625 002.

3. The Administrator,
A2530, T.V.S. Co-Operative Building
Society, T.V.S. Nagar,
Madurai 625003.

... Respondents

PRAYER:- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a WRIT OF MANDAMUS, to direct the respondents to revise the pay as per the terms of the settlement arrived in proceeding No.Na.Ka.4304/2003/SF (2) dated 15.06.2009



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which was implemented in the year of 2023 and consequently pay the revised pay from the date on which the co-employees were given pay revision by considering petitioners representation dated 22.01.2026 within the time limit stipulated by this Court.

For Petitioner : Mr.R.Anandha Raj
For Respondents : Mrs.K.Porkodi
Government Pleader

ORDER

The petitioner was appointed as the Permanent Clerk on 01.06.2007 on regular basis and his pay was also fixed through the proceedings dated 01.06.2007. The petitioner has been continuing in service since 01.06.2007 and he was also extended all the service benefits, such as, yearly increments and other benefits for which regular employees are entitled to. However, his pay has not been revised in terms of the proceedings bearing Na.Ka.No.4304/2003-SF2 dated 15.06.2009 on its implementation from the year 2003 onwards. Hence, the petitioner claimed to have submitted a representation dated 22.01.2026 claiming for revision of his pay in terms of the said proceedings stated 15.06.2009. As the respondents have not taken any action, the petitioner has approached this Court by filing the present writ petition.



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2. In response to the notice issued by this Court, the second respondent filed a counter affidavit contending that the appointment of the petitioner as the Permanent Clerk on 01.06.2007 itself is illegal and contrary to the order passed by the Hon'ble Division Bench of this Court in the case of **Justine Vs. the Registrar of Co-operative Societies, Chennai and others**, reported in [2002(4) CTC 385] as the name of the petitioner has not been sponsored from the Employment Exchange and was appointed in a regular manner by the Special Officer of the third respondent Society. It is further contended that the petitioner was also extended the benefit of regular time scale of pay while appointing him as the Permanent Clerk in an erroneous manner, though he is not entitled for the same.

3. According to the second respondent, the petitioner is only entitled for consolidated pay and not entitled for regularisation of his services in the post of Clerk and not entitled to claim any other benefits such as seniority, promotion etc. Thus, it is contended that the persons, who were appointed on consolidated pay are not entitled for the benefit of revision of pay scales in terms of the proceedings dated 15.06.2009.



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Thus, it is contended that as the appointment of the petitioner itself is irregular and contrary to the decision of the Hon'ble Division Bench of this Court, he is not entitled for revision of pay in terms of the proceedings dated 15.06.2009 as well.

4. This Court has carefully considered the submissions made on either side and also perused the entire materials on record.

5. The appointment of the petitioner as the Permanent Clerk was as early as on 01.06.2007 and almost about two decades have passed since then. There is no dispute that the petitioner has continued as a regular employee since 01.06.2007 and has been granted yearly increments as is evident from the Service Register, which is placed on record. So long as the petitioner continues to be a regular employee of the third respondent Society, any attempt to contest the petitioner's status as a regular employee by filing a counter affidavit contending that the petitioner's appointment on 01.06.2007 was contrary to the decision of this Court or to any orders issued by the Government does not withstand legal scrutiny. So long the petitioner is continuing as a regular employee

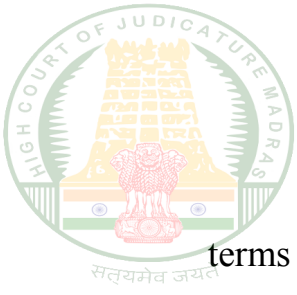


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in the third respondent Society, his entitlement for the benefit of revision of pay in terms of the proceedings dated 15.06.2009 cannot be disputed.

The denial of the said benefit to the petitioner as seen from paragraph No. 8 of the counter affidavit filed by the second respondent is only on the ground that the petitioner cannot be treated as a regular employee and he should be treated as an employee working on consolidated pay. In other words, if the appointment of the petitioner is in accordance with law and he is a regular employee, he is entitled to the benefit of revision of pay in terms of the proceedings dated 15.06.2009. Though it is contended that the appointment of the petitioner as the Permanent Clerk on 01.06.2007 is contrary to law, the respondents have not taken any steps for the past two decades against the said appointment and admittedly, the petitioner is continuing in service by virtue of the said appointment dated 01.06.2007 as a regular employee and is being extended with all other benefits on par with other regular employees.

6. If that be the case, the stand of the respondents that, the appointment of the petitioner as the Permanent Clerk on 01.06.2007 is irregular, therefore, he is not entitled for benefit of revision of pay in



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terms of proceedings 15.06.2009, cannot be sustained. In the circumstances, this writ petition is disposed of directing the respondents to revise the pay of the petitioner in terms of the proceedings in Na.Ka. 4304/2003/SF (2) dated 15.06.2009 on par with other employees, who were similarly situated and release all the monetary benefits as expeditiously as possible at any rate within a period of eight weeks from date of receipt of a copy of this order. No costs.

22.07.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
CM



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To,

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MUMMINENI SUDHEER KUMAR,J

CM

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