

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29232 of 2015

Mr.N.Sivakumar

... Petitioner

Vs.

1.The Joint Registrar

Co-operative Societies Joint Registrar Office,
District Collector Campus,
Vengikal, Tiruvannamalai,
Tiruvannamalai District.

2.The President,

HH487, Thalayampallam, PACB
Tiruvannamalai Taluk and District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Joint Registrar of Co-operative Societies, Tiruvannamalai, the 1st respondent herein to pass orders on the representation given by the petitioner on 13.07.2015 for regularising the service of the petitioner within short date that may be fixed by this Hon'ble Court.

For Petitioner : Ms.G.Sridevi

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he possess SSLC, Diploma in Co-operation and he was appointed as Fertiliser Sales Manager in the services of the second respondent Society on 30.05.1990 and got promotion as Clerk on 26.12.2000 and he claims that he comes under the cadre strength sanctioned to the Society and therefore, his services and requirement is continuously needed. The petitioner would further state that in terms of G.O.Ms.No.86, Co-operation, Food and Consumer Protection Department, dated 12.03.2001, the services of nearly 27,000 employees who are similarly placed were regularised and the petitioner in this regard has submitted a representation dated 13.07.2015 through proper channel praying for regularisation of his services.

3.The learned counsel appearing for the petitioner would submit that since the services of the persons similarly placed like that of the petitioner have been regularised and the petitioner is in service for 25 years, his service has to be regularised and prays for appropriate orders.

4.Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operatives) would submit that as per the decision of the Hon'ble Supreme Court reported in (2006) 4 SCC 1 (Secretary, State of Karnataka and others Versus Umadevi (3) and others), the petitioner as a matter of right is not entitled to get regularisation of his services and G.O.Ms.No.86, Co-operation, Food and Consumer Protection Department, dated 12.03.2001 is no longer in force so as to enable the petitioner to avail the benefit of the said order and prays for dismissal of the writ petition.

5.This Court heard the rival submissions and perused the materials placed before it.

6.This Court taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider and dispose of the petitioner's representation dated 13.07.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

- 1.The Joint Registrar
Co-operative Societies Joint Registrar Office,
District Collector Campus,
Vengikal, Tiruvannamalai,
Tiruvannamalai District.
- 2.The President,
HH487, Thalayampallam, PACB
Tiruvannamalai Taluk and District.
+1 cc to Govt. Pleader, sr.50930
+1 cc to M/s.G.Sridevi, Advocate, sr.50859
+1 cc to M/s.C.P.Shanmugasundaram, Advocate, sr.50690

rsi co, kra 5/10

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