

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37625 of 2016

- 1 K.Suseela (Aged 42 Years)
W/o.Ravikumar 3 519A Devendra Colony
Mannarai Tirupur
- 2 T.Mahalakshmi (Aged 37 Years)
W/o.Balachandran 143 NVR Layout
Neelikonampalayam Coimbatore
- 3 V.Mahalakshmi (Aged 43 Years)
W/o.Subramaniam 159 Kullathupudhur 6th
Street Mangalam Road Tirupur
- 4 G.Veeramaheswari (Aged 38 Years)
W/o.Senthilvellan 42A Pothichettipuram
Royapuram South Tirupur-1
- 5 S.R.Kavitha (Aged 36 Years)
W/o.Ram Prakash 19 Icchikadu Sowarnapuri
Enclave PTR Nagar Backside Tirupur
- 6 Tmt.L.Vasanthi (Aged 44 Years)
W/o.Desing Raja 61E BS Sundaram Street
Avinashi Coimbatore
- 7 Tmt. T.S.Poongudi Padmini
(Aged 38 Years) W/o.Krishnasamy 5E(1)
Nethaji Street Anuparpalayam Tirupur
- 8 G.Thamaraselvan (Aged 45 Years)
S/o.Govindarajan 1/43 Mahalakshmi Nagar
Main Street Avinashi Road Tirupur
- 9 Tmt.K.Ashwini (Aged 36 years)
W/o.Ramachandran 74 Bazar Street
Singallur Coimbatore
- 10 D.Vasugi (Aged 52 Years)
W/o.AVM Dhandapani 132 Payanar Mill Road
Peelamedu Coimbatore

11 P.Sakthivel (Aged 37 Years)
S/o.Palani 90 JKJ Colony Manickapuram
Road Palladam Tirupur [PETITIONERS]

Vs

1 The Registrar of Cooperative
Societies (Housing) Nandanam
Chennai-600 -035

2 The Secretary
The State of Tamilnadu Housing & Urban
Development Department Fort St. George
Chennai-600 009

3 The Registrar of Cooperative
Societies N.V.N.Maalgai No.10 EVR Periyar
Salai Kilpauk Chennai-10

[RESPONDENTS]

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to pass orders on the representation dated 10.9.2014 followed by a reminder dated 22.7.2016 seeking consideration of the benefits as per third respondents proceedings made in letter in Na.Ka.No.57232/2013/Thi.Ka.Ku.Pa dated 15.8.2013 on merits and within a time to be stipulated by this Court.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Mr.L.P.Shanmugha Sundaram,
Spl.Govt. Pleader

ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the first respondent to pass orders on the representation dated 10.9.2014 followed by a reminder dated 22.7.2016 seeking consideration of the benefits

as per third respondents proceedings made in letter in Na.Ka.No.57232/2013/ Thi.Ka.Ku.Pa dated 15.8.2013 on merits and within a time to be stipulated by this Court.

3. It is the case of the petitioners that they have been appointed in the respondent society as Clerk / Junior Assistant / Office Assistant and they have been rendering clear and unblemished record of service ever since the date of their initial appointment. Subsequently, the Government issued an order extending the benefit of regularization and that of granting time scale of pay as one time measure for appointment on or before 12.3.2001. On the basis of the said GO, very many persons like that of the petitioners were extended time scale of pay though their appointments were termed as irregular. Thereafter, the Government in consultation with the Registrars issued proceedings for extension of certain benefits vide its letter in Rc.No.92088/2008/SF2 dated 21.8.2008 and issued direction for extension of time scale of pay to these types of so called irregular employees without any conferment of legal status and also with a specific clause stating that by extending or granting time scale of pay, they shall be entitled to claim any service benefits. On that basis, all the House Building Societies, more particularly, the societies where the petitioners are in employment had entered into a 18(1) Settlement during November 2010, in which it came to be specifically pointed out that the societies are financially sound. However, insofar as the petitioners are concerned, the benefits of granting of time scale of pay and other benefits as directed by the Registrar of Cooperative Societies have not been extended till date. Further, the grant of benefit of time scale of pay, medical reimbursement, etc., has once again been reiterated by yet another proceedings of the Registrar of Cooperative Societies in Na.Ka.No.57232/2013/Thi.Ka.Ku.Pa dated 15.8.2013. However, the said benefits have not extended to the petitioners. In this regard, the petitioners sent representation dated 10.9.2014 and a reminder dated 22.7.2016. But, the same were not considered so far. Hence, left with no other alternative, the petitioners have come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioners and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioners, this Court directs the first respondent to consider the representation of the petitioners dated 22.7.2016 seeking time scale of pay and other benefits and pass appropriate orders, on merits and in accordance with law and also as per the

proceedings of the third respondent in Na.Ka.No.57232/2013/Thi.Ka.Ku.Pa dated 15.8.2013, after affording an opportunity of personal hearing to the petitioners as well as to the necessary parties, if any, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1 The Registrar of Cooperative Societies (Housing) Nandanam
Chennai-600 035
- 2 The Secretary
The State of Tamilnadu Housing & Urban
Development Department Fort St. George
Chennai-600 009
- 3 The Registrar of Cooperative Societies N.V.N.Maalgai No.10 EVR Periyar
Salai Kilpauk Chennai-10

+1cc to Mr.L.Chandrakumar, Advocate Sr.61362
+1cc to the Government Pleader Sr.62159

W.P.Nos.37625 of 2016

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srg 25/11/2016

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