



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

C O R A M

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THE HONOURABLE DR.JUSTICE **S.VIMALA**

Writ Petition (MD) No.18867 of 2016

P.Manoharan

.. Petitioner

Vs.

1.The Registrar,  
Tamil Nadu Co-operative Societies,  
No.170, Periyar, EVR Highways,  
Kilpauk, Chennai - 10.

2.The Joint Registrar,  
The Office of Joint Registrar of  
Co-operative Societies,  
Theni District, Theni.

3.The President,  
MDSPL-11, Bodinaickanur,  
Vetrilai Producer Co-operative  
Credit Society,  
Bodinaickanur,  
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the Respondents 1 to 3 regularize the petitioner in the post of Clerk/Jewel Appraiser in 3rd respondent society in accordance with Sec.3(1) of the Tamil Nadu Industrial Establishment Act 1981 by considering the petitioner's representation, dated 26.08.2015 within a stipulated time.

For petitioner

... Mr.Jana Alias B.Janath Ahmed

For Respondent

... Mr.M.Alagadevan  
Special Government Pleader

### O R D E R

This is a writ of Mandamus seeking direction to the respondents to regularise the service of the petitioner in the post of Clerk/Jewel Appraiser in 3rd respondent society in



accordance with Sec.3(1) of the Tamil Nadu Industrial Establishment Act 1981 by considering his representation, dated 26.08.2015 within a stipulated time.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The petitioner was appointed as a temporary employee in the third respondent Society since 2002. The petitioner is a B.A. Graduate along with Diploma in Co-operative (D.Cop) and he was working as contract labourer for fifteen years in the Society. By the representation, dated 27.11.2012 which is addressed to each of the respondent separately, the petitioner wanted his services to be regularised.

4. It is the contention of the learned counsel for the petitioner that the petitioner was working in the post of jewel appraiser with effect from 2002 and that even after the completion of fifteen years, his services has not been regularised. It is specifically pointed out that not even an order has been passed by the respondent, despite the representations dated 27.11.2012, 04.06.2013 and 26.08.2015.

5. The learned Special Government Pleader would submit that the representation dated 26.08.2015 was forwarded by the first respondent to the second respondent with a request to take necessary action. He would further submit that the petitioner being a part time employee is not entitled to be regularised.

6. But the contention of the petitioner is that he is entitled to conferment of permanency in terms of Section 3(1) of the Tamil Nadu Industrial Establishment Act 1981 and therefore, he is entitled to be considered.

7. It is agreeable for the learned Special Government Pleader to consider the case of the petitioner, in the light of the claim made and to pass orders within a period of four weeks from the date of receipt of a copy of this orders.

8. The writ petition is disposed of accordingly in terms of undertaking given by supra. No costs.

Sd/-  
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar



To

1.The Registrar,  
Tamil Nadu Co-operative Societies,  
No.170, Periyar, EVR Highways,  
Kilpauk, Chennai - 10.

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2.The Joint Registrar,  
The Office of Joint Registrar of  
Co-operative Societies,  
Theni Region, Theni.

3.The President,  
MDSPL-11, Bodinaickanur,  
Vetrilai Producer Co-operative  
Credit Society,  
Bodinaickanur,  
Theni District.

+1 cc to MR.JANA ALIAS B.JANATH AHMED, Advocate Sr.No.58067

+1 cc to Special Government Pleader Sr.No.59106

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SMA/SKS-RR/21.10.2016:3P/6C