

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30671 of 2017

S.Sakthivel

.. Petitioner

-vs-

The Registrar of

Cooperative Societies (Housing)

Nandanam

Chennai 600 035

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to pass orders on the representation dated 09.08.2017 seeking consideration of the benefits of pay scale as per proceedings of the Registrar of Cooperative Societies made in Rc.No.92088/2008/SF3 dated 21.08.2008, on merits and within a time to be stipulated by this Hon'ble Court.

For Petitioner:: Mr.L.Chandrakumar

For Respondent:: Mr.L.P.Shanmughasundaram
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner. Mr.L.P.Shanmughasundaram, learned Special Government Pleader takes notice on behalf of the respondent.

2. The petitioner, who was appointed as Office Assistant in the K.1832 Bharathi Cooperative Building Society Limited as per the roster point on 8.3.2001, has come to this Court seeking a mandamus to the respondent to pass orders on his representation dated 9.8.2017, wherein he sought for the benefit of pay scale, as per proceedings of the Registrar of Cooperative Societies made in Rc.No.92088/2008/SF3 dated 21.08.2008. Although the petitioner has been working continuously from the year 2001 as Office Assistant, he has not been given the benefit of time scale of pay. In this regard, the Government, in consultation with the Registrars, issued proceedings for extension of certain benefits and sequel to the same, the Registrar of Cooperative Society, vide letter Rc.No.92088/2008/SF3 dated 21.08.2008,

addressed to all the Additional Registrars, issued direction for extension of time scale of pay to such of those irregular employees without conferment of legal status and with specific clause stating that conferment of time scale of pay will not entail them to claim any service benefits. Consequent upon the same, directions were also issued for resorting to settlement either as per Section 12 (3) or 18 (1) of the Industrial Disputes Act, 1947 for the purpose of extending the benefits to the employees working in the cooperative societies.

3. It is the claim of the petitioner herein that though the Registrar of Cooperative Society vide Rc. No.92088/2008/SF3 dated 21.08.2008, directed all the Additional Registrars to extend time scale of pay to those irregular employees without conferment of legal status and further stating that grant of time scale of pay will not entitle those persons to claim service benefits, the benefit of time scale of pay has not been given to the petitioner. The above proceedings of the Registrar of Co-operative Society have been reiterated once again in the proceedings Na.Ka.No.57232/2013/Thi.Ka.Ku.Pa dated 15.8.2013, wherein benefits of time scale of pay, medical reimbursement, dearness allowance, encashment of leave, medical leave, earned leave, retirement benefits, opening of service registers and maintenance thereto on par with regular employees was granted except for regularisation. Even inspite of the above proceedings dated 15.8.2013, the petitioner has not been given the time scale of pay with all the benefits associated with the said proceedings. Therefore, the petitioner has submitted a representation to the respondent for extension of the benefits as per the above proceedings, but till date the same has not been considered and, therefore, left with no other alternative, the present petition has been filed.

4. In the above factual background, this Court is of the considered opinion that it would be suffice to direct the respondent to consider the representation of the petitioner and pass orders thereon on merits and in accordance with law within a time frame. Accordingly, the respondent is hereby directed to consider the representation of the petitioner on merits and pass appropriate orders in accordance with law, on the basis of the aforementioned proceedings of the Registrar of Cooperative Society dated 21.8.2008 and 15.8.2013, within a period of four 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 IX)

//True Copy//

Sub Assistant Registrar

To

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

+1 cc to M/s.LK.Chandrakumar Advocate sr 84547
+1 cc to Govt Pleader sr 851124

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