

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.12.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.32432 of 2017

N.Meenakshi

... Petitioner

- Vs -

The Registrar of Co-operative
Societies (Housing)
Nandanam
Chennai 600 035.

... Respondent

Writ Petition filed for the issuance of a writ of mandamus directing the respondent to pass orders on the representation dated 13.11.2017 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 within a time to be stipulated by this Court.

For Petitioners: Mr. L.Chandrakumar

For Respondent : Mr. L.P.Shanmugasundaram, Spl. G.P.

ORDER

Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the respondent.

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

3. It is submitted by the learned counsel for the petitioner that the petitioner was appointed on 20.01.2001 at Ramalinga Nagar Co-operative Housing Construction Society on the basis of roster point in the respective vacant post on consolidated salary. It is further submitted by the learned counsel for the petitioner that persons similarly placed were granted separate higher scale of pay by the respondent. In the meanwhile, the Government issued order extending the benefit of regularisation and time scale of pay as a one time measure for those persons, who were irregularly appointed on or before 12.3.2001. On the basis of the said Government Order, persons, who were similarly placed like the petitioners were given time scale of pay.

4. However, in spite of long span of service rendered by the petitioner and her continuance with the respondent society, she was not granted the benefit of higher scale of pay. In the meanwhile, 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.

5. 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 has 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 in spite 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 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.

6. 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 filed by the petitioner and pass orders thereon on merits and in accordance with law within a time frame. Learned Special Government Pleader appearing for the respondent sought for six weeks time for passing orders on the representation.

7. Accordingly, the respondent is hereby directed to

consider the representation filed by the petitioner dated 13.11.2017 and pass orders thereon on the same on merits and in accordance with law on the basis of the proceedings of the Registrar of Cooperative Society dated 21.8.2008 and 15.8.2013 discussed above, within a period of four weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the aforesaid observation and direction. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

tsi
To
The Registrar of Co-operative
Societies (Housing)
Nandanam
Chennai 600 035.

+1 cc to Mr.L.Chandrakumar Advocate sr 8858
+1 cc to the Govt Pleader sr 88991

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