

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 05.01.2017

DELIVERED ON: 10.01.2017

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No.12954 of 2003

S. Stella Mary

Petitioner

vs.

1 The Joint Registrar of Cooperative Societies
Kosa Mada Street
Thiruvannamalai District

2 The Special Officer
Kolappalur Primary Agricultural Cooperative Bank
H.H. 556, Kolappalur
Vandavasi Taluk
Thiruvannamalai District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records on the file of the first respondent in connection with the order passed in Na.Ka.9609/2002 Tho.Ve.Ku.VA dated 22.08.2002 and quash the same and direct the respondent to reinstate the petitioner into service with all monetary and service benefits.

For petitioner Ms. Srividhya

For R1

Ms. T. Girija

Govt. Advocate (Co-operative)

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Co-operative) appearing for the first respondent.

2 It is the case of the petitioner that she was appointed temporarily as Saleswoman in Kolappalur Primary Agricultural Cooperative Bank, the second respondent herein, by order dated 28.09.1991 and suddenly, she was kept out of employment arbitrarily from 01.03.1995. She gave a representation for regularising her services, which was rejected by the Joint

Registrar of Co-operative Societies by order dated 22.08.2002, challenging which, the petitioner is before this Court.

3 The petitioner seeks permanent absorption in terms of G.O. Ms.No.86, Co-operation, Food and Consumer Protection Department dated 12.03.2001. Admittedly, the petitioner was not appointed via regular channels. Her appointment was a back door entry which has been frowned by the Supreme Court in State of Karnataka and others Vs. Uma Devi [2006 (4) SCC 1]. Further, G.O.Ms.No.86 (supra) would apply only to co-operative societies where there are more than 20 employees, whereas, in the second respondent/co-operative bank, there are less than 20 employees working and therefore, the said Government Order will not apply to the case of the petitioner.

In the result, this writ petition is dismissed as being devoid of merits. Costs made easy.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cad
To

- 1 The Joint Registrar of Cooperative Societies
Kosa Mada Street
Thiruvannamalai District
- 2 The Special Officer
Kolappalur Primary Agricultural Cooperative Bank
H.H. 556, Kolappalur
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