

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.28379 of 2005

And

W.P.M.P.No.30907 of 2005

V.Balachandran ... Petitioner

Vs

The Deputy Registrar of Co-op. Societies,
Cuddalore Circle,
Cuddalore,
Cuddalore District. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order of termination of service of the petitioner passed by the respondent in his proceedings Na.Ka.No.8757/2003/PACB, dated 6.6.2005 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mrs.T.Girija,
Government Advocate (Co-op.)

O R D E R

The order dated 6.6.2005, issued by the Deputy Registrar of Co-operative Societies, cancelling the illegal appointment, is under challenge in the present writ petition.

2. The writ petitioner was appointed as Salesman on 2.5.1989 in C.Orathur Primary Agricultural Co-operative Bank. The writ petitioner claims that he was appointed by following the procedures and therefore, he is entitled to get the benefit of G.O.Ms.No.86, Co-operation, Food and Consumer Protection Department, dated 12.3.2001 for grant of ratification in respect of the appointment made to the Co-operative Societies without reference to the Employment Exchange.

3. This Court has passed an order in the case of L. Justine vs. Registrar of Co-operative Societies [2002 (4) CTC 385], the matter went upto the Supreme Court of India and in respect of the irregular/illegal appointments in Co-operative Institutions, the Constitutional Courts have settled the issue.

4. Pursuant to the order of the Supreme Court, the respondent issued impugned order in proceedings dated 6.6.2005, stating that the appointment of the writ petitioner was in violation of the Recruitment Rules in force. The writ petitioner was appointed after crossing the age limits fixed in the Rules. Thus, the relaxation of age cannot be granted to the writ petitioner in view of the orders passed by the Supreme Court of India.

5. In this regard, a show cause notice was issued to the writ petitioner, who in turn submitted the explanations and the respondent has settled the explanations submitted by the writ petitioner and came to the conclusion that the appointment of the writ petitioner was in violation of the Special Bye-Law 5 (1) of the Society and therefore, the writ petitioner is not entitled for regularisation.

6. This Court is of an opinion that the settled legal position in the matter of appointment in Co-operative Institutions, cannot be gone into at this point of time. In view of the fact that the Hon'ble Supreme Court settled the matter and pursuant to the principles, the authorities have taken a decision, holding that the appointment of the writ petitioner was in accordance with the Recruitment Rules in force.

7. This being the factum, the writ petitioner has not established any acceptable ground for the purpose of considering the relief, as such, sought for in the present writ petition.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

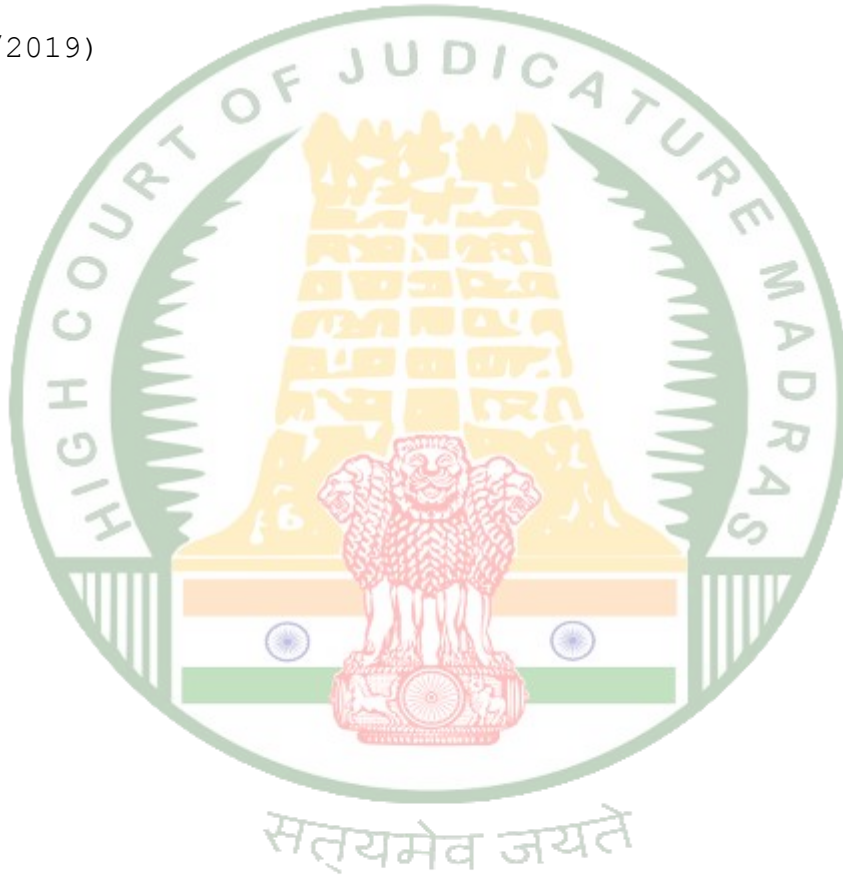
The Deputy Registrar of Co-op. Societies,
Cuddalore Circle,
Cuddalore,
Cuddalore District.

+1cc to M/s.C.Prakasam, Advocate, S.R.No.86459

+1cc to the Government Pleader, S.R.No.86679

WP No. 28379 of 2005

RSI (CO)
SSM(08/01/2019)



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