



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 13.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1177 of 2018

Santhanam

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
O/o.Joint Registrar of Co-operative Societies,
District Collector Campus,
Virudhunagar District.
- 2.The Deputy Registrar of Co-operative Societies,
O/o.The Deputy Registrar of Co-operative Societies,
Natchiyar Melamada Veethi,
Srivilliputhur, Virudhunagar District.
- 3.The President,
SPSPL 54, Maharajapuram Primary,
Co-operative Agricultural Societies,
Maharajapuram, Srivilliputhur Taluk,
Virudhunagar District.
- 4.The Secretary to Government,
Co-operation, Food and Consumer Protection
Department, Secretariat,
Chennai - 600 009.
- 5.The Registrar of Cooperative Societies,
Poonamallee High Road, Kilpauk,
Chennai - 600010.

(4 and 5th respondents are
suo motu impleaded
vide order dated 13.03.2018)

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to regularize the service of the petitioner as Salesman with all monetary and other attendant benefits with effect from 01.04.1991 within a stipulated time.



For Petitioner
For Respondents

: Mr.R.Karunanidhi
: Mrs.S.Srimathy,
Spl., Govt.Pleader for RR1,2,4 & 5
Mr.A.Thiyagarajan for R3

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ORDER

Heard the learned counsel on either side. Mrs.S.Srimathy, learned Special Government Pleader takes notice for the newly impleaded respondents.

2.The petitioner is employed in the third respondent society as a Salesman. He has been working since April 1991. The service of the petitioner however has not been regularized till date. Therefore, the present writ petition has been filed.

3.The learned counsel appearing for the third respondent would submit that earlier the power of regularization was conferred on the Joint Registrar of Cooperative Societies. But the said power was withdrawn on 31.10.2007. The primary impediment for the petitioner is that he was not sponsored by the employment exchange and that therefore in view of the order passed by the Hon'ble Supreme Court, it is not possible to grant regularization.

4.This Court is of the view that the case of the writ petitioner is certainly exceptional. It is seen that the petitioner was appointed in the third respondent society along with others. None of them were sponsored by the employment exchange. But, the other persons namely Rajangam and Murugesan had the benefit of regularization. The petitioner alone has been left out. It is true that the petitioner was not sponsored by the employment exchange. But, he continued to be hold the post for more than 27 years. The petitioner is having the qualifications required for holding the said post.

5.When a person has been working in a given post for more than 27 years, then his case is truly exceptional. Fortunately for the petitioner there is a sanctioned post and would it is fall within the cadre strength.

6.Taking note of all these aspects, namely, (i) the long service put in by the petitioner for 27 continuous years (ii) Possession of the requisite educational qualifications (iii) similarly placed individuals having been already regularized and the post in question falling within the cadre strength and being a sanctioned one, this Court directs the Government to regularize the petitioner's service. This Court has not given any finding with regard to the date from which the regularization has to be given or regarding the disbursement of other benefits. The fourth and fifth respondents are directed to pass appropriate orders in accordance with law on the lines indicated above within a period of twelve weeks from the date of receipt of a copy of this order.



7.The writ petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

To

- 1.The Joint Registrar of Co-operative Societies,
O/o.Joint Registrar of Co-operative Societies,
District Collector Campus,
Virudhunagar District.
- 2.The Deputy Registrar of Co-operative Societies,
O/o.The Deputy Registrar of Co-operative Societies,
Natchiyar Melamada Veethi,
Srivilliputhur, Virudhunagar District.
- 3.The Secretary to Government,
Co-operation, Food and Consumer Protection
Department, Secretariat,
Chennai - 600 009.
- 4.The Registrar of Cooperative Societies,
Poonamallee High Road, Kilpauk,
Chennai - 600010.

+1cc to Special Government Pleader, SR.No. 55237
+1cc to M/S.A.Thiyagarajan, Advocate SR.No. 55371
+1cc to M/S.R.Karunanidhi, Advocate SR.No. 54737

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JM/SKN RSK/SAR 2/28.03.2018/3P/8C