

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2019

CORAM

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

W.P.No.37791 of 2004

And

W.P.M.P.No.45335 of 2004

E.Selvarasi

...Petitioner

Vs

1.The Registrar of Co-operative Housing
Societies,
No.79, 4th Main Road,
Gandhi Nagar,
Adyar,
Chennai.

2.The Deputy Registrar of Co-operative
Housing Societies,
Vellore Division,
Vellore District.

3.The Special Officer,
No.G.2123, Vellore Co-operative Housing
Society Ltd.,
No.24, New Sankara Palayam Road,
Vellore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in the Na.Ka.456/2002 Aa dated 27.2.2004 on the file of the second respondent and quash the same as illegal and direct the respondents to reinstate the petitioner into service with back wages and attendant benefits.

For Petitioner : Mr.R.Sankarasubbu

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

O R D E R

The order of rejection passed by the second respondent in proceedings dated 27.2.2004 in relation to the claim of the writ petitioner for regularisation of her services in the sanctioned post, is under challenge in the present writ petition.

2. The writ petitioner states that she was appointed as a Clerk in Vellore Cooperative Housing Society on daily way basis on 1.7.1999. The writ petitioner was receiving the consolidated monthly wages with effect from 1.1.2000 and with effect from 1.7.2001, the writ petitioner was receiving the back wages and the allowances.

3. The claim of the writ petitioner is that she was allowed to work continuously in the post on daily wages and as per the Government Order issued in G.O.Ms.No.86, Cooperation, Food and Consumer Protection Department, dated 12.3.2000, the mode of recruitment is to be dispensed with and the writ petitioner is eligible for regularisation of her services in the sanctioned post.

4. At the outset, the writ petitioner states that she is entitled for regularisation and permanent absorption in view of the fact that she was in service for a considerable length of time and further, the Government Order issued in G.O.Ms.No.86, Cooperation, Food and Consumer Protection Department, dated 12.3.2000, relaxing the method of recruitment through Employment Exchange.

5. In the matter of irregular appointments in Co-operative Societies across the State, the Hon'ble Division Bench of this Court in the case of L.Justine vs. Registrar of Co-operative Societies [(2002) 4 CTC 385] that all the irregular and illegal appointments are to be dealt in accordance with the directions issued by the Hon'ble Division Bench of this Court. The Hon'ble Division Bench of this Court issued directions to identify the nature of irregularity and accordingly regularise the services of the employees, who were engaged on daily wage and temporary basis in the Co-operative Societies.

6. The learned Government Advocate, appearing on behalf of the respondents, states that the case of the writ petitioner was considered in the light of the judgment delivered by the Hon'ble Division Bench of this Court in the case of L.Justine vs. Registrar of Co-operative Societies, cited supra.

7. Firstly, the writ petitioner was found not qualified and he was not possessing the requisite educational qualifications as per the Special Bye-Laws. Secondly, the writ petitioner is none other than the daughter of the former President of the very same Co-operative Society and therefore,

she is not entitled for regularisation in view of the specific bar as contemplated under the Act. Thirdly, the writ petitioner borrowed loan from the respondent-Society and committed default. On these three grounds, the case of the writ petitioner had not been considered for grant of regularisation and permanent absorption.

8. This Court is of an opinion that the case of the writ petitioner had been considered with reference to the directions issued by the Hon'ble Division Bench of this Court in the case of L. Justine vs. Registrar of Co-operative Societies, cited supra, and therefore, there is no infirmity or irregularity in respect of the order passed by the competent authorities in the present writ petition.

9. Accordingly, the writ petition is devoid of merits and it stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

Svn

To

1. The Registrar of Co-operative Housing Societies,
No.79, 4th Main Road,
Gandhi Nagar, Adyar, Chennai.
2. The Deputy Registrar of Co-operative Housing Societies,
Vellore Division, Vellore District.
3. The Special Officer,
No.G.2123, Vellore Co-operative Housing Society Ltd.,
No.24, New Sankara Palayam Road, Vellore.

+1cc to Mr.R.Sankarasubbu, Advocate SR.No.6434

+1cc to Government Pleader SR.No.6958

WP No.37791 of 2004

MG (CO)
GMY (13/02/2019)