

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.13562 of 2018

S.Nachimuthu

.. Petitioner

Vs

1.The Registrar of Cooperative Societies,
(Sales Scheme and Promotion),
Office of the Registrar of Societies,
170, Periar EVR High Road,
Kilpauk, Chennai - 10.

2.The Joint Registrar of Cooperative Societies,
(Sales Scheme and Promotion),
Office of the Registrar of Societies,
170, Periar EVR High Road,
Kilpauk, Chennai - 10.

3.The Management,
A.A.196, Thoppampatty Primary
Agricultural Cooperative Credit Society,
Thoppampatty,
Thoppampatty Post,
Dharapuram Taluk.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the first respondent to dispose of the revision petition filed by the petitioner dated 08.07.2013 in accordance with law within the stipulated period.

For Petitioner : No Appearance

For R1 & R2 : Mr.L.P.Shanmughasundaram, Spl.GP
For R3 : Mr.M.R.Raghavan, Standing Counsel

ORDER

The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to direct the first respondent/the Registrar of Cooperative Societies (Sales Scheme and Promotion), Chennai, to dispose of his revision petition dated 08.07.2013 with a stipulated time period.

2. No representation for the petitioner. It is averred in the affidavit filed in support of the writ petition that the petitioner was appointed as Assistant in the respondent Society by the Board's Resolution dated 17.11.1990 on a consolidated pay of Rs.300/- per month and thereafter, by another Resolution dated 26.02.1997, he was promoted to the post of Clerk with effect from 01.01.1997 and subsequently, his pay was revised in the scale of pay of Rs.4375-125-5500-150-7000 vide proceedings dated 24.04.2010 and he is presently drawing a monthly salary of Rs.11,667/-. At the time of his appointment, he was having the requisite educational qualification, age limit and he was also appointed within the cadre strength of the Society, hence, it is averred that his entitlement for regularization cannot be refused. Therefore, he has filed a revision petition under Section 153 of Tamil Nadu Cooperative Societies Act, on 16.08.2012 by paying necessary fees, however, the said revision petition was returned back stating that the power given under Section 153 of the Act has been delegated to the Regional Joint Registrar of Cooperative Societies. Thereafter, the petitioner had filed his revision petition before the Joint Registrar of Cooperative Societies, Tiruppur, on 09.11.2012, but, the said Authority also, vide proceedings dated 08.04.2013, refused to regularize his services stating that the power given to him to regularise the services of the Staffs working in the Society was withdrawn vide G.O.Ms.No.301, Cooperation, Food and Consumer Protection Department, dated 17.10.2007. Therefore, it is averred, a direction may be given to the first respondent to pass orders on his pending revision petition dated 08.07.2013.

3. Mr.L.P.Shanmugasundaram, learned Special Government Pleader, appearing for the respondents 1 and 2, submitted that the prayer in the present writ petition is not maintainable, since the power given to the Registrar of Cooperative Societies for regularization of services of the staffs working in the Society had been withdrawn. In support of his submission, he has referred to the Government Order passed in G.O.Ms.No.301, Cooperation, Food and Consumer Protection Department, dated 17.10.2007. A perusal of paragraph No.4 of the said Government Order reads thus:-

"4. The Government have examined the case carefully and they have decided to accept the opinion of the Advocate General. Accordingly, the instruction issued in the Government Letter No.22322/CG1/2005-7, dated 02.11.2006 are hereby withdrawn. "

4. In view of the above, as the Government have already withdrawn the power given to the Registrar of Cooperative Societies to regularize the services of the Staffs working in the Society, the prayer of petitioner seeking a direction to the first respondent/Registrar of Cooperative Societies, Chennai, to dispose of his revision petition requesting to regularize his services cannot be sustained and accordingly, the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rkm

To

- 1.The Registrar of Cooperative Societies,
(Sales Scheme and Promotion),
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Agricultural Cooperative Credit Society,
Thoppampatty,
Thoppampatty Post,
Dharapuram Taluk.

+1 cc to Spl Government Pleader co op Sr.No.95083

+1cc to Mr.L.P.Shanmughasundaram , Advocate SR.No. 95206

W.P.No.13562 of 2018

A.SK(18/12/2019)