

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 15150 of 2019

&

W.M.P.No.15135 of 2019

M.Amutha

..Petitioner

vs

1.The Registrar of Cooperative Societies
170, EVR Periyar High Road
N.V.Natarajan Maaligai
Kilpauk, Chennai - 10.

2.The Joint Registrar
Cooperative Societies
Namakkal Region
Namakkal District

3.The Deputy Registrar
Cooperative Societies
Namakkal

4.The President
S.1286, R.Pudupalayam PACCS
R.Pudupalayam Post
Rasipuram Taluk
Namakkal District

5.P.Raja

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 not to appoint the 5th respondent as Secretary of the R.Pudupalayam Primary Agricultural Co-operative Credit Society (PACCS), R.Pudupalayam Post, Rasipuram Taluk, Namakkal District.

For Petitioner : Mr.P.Rathanavel

For Respondents 1 to 3 : Mr.D.Venkatachalam
Additional Government Pleader

For Respondent 4 : Mr.R.Bala Ramesh

O R D E R

The prayer sought for in this Writ Petition is to direct the respondents 1 to 4 not to appoint the 5th respondent as Secretary of the R.Pudupalayam Primary Agricultural Co-operative Credit Society (PACCS), R.Pudupalayam Post, Rasipuram Taluk, Namakkal District.

2. The case of the petitioner is that she was appointed as daily wage employee in the 4th respondent Society in the year 1998. She was paid consolidated pay from 01.01.1999. Thereafter, she was appointed as Junior Assistant on 01.04.2001. The Special Officer of the 4th respondent society fixed time scale pay on 01.08.2008. It is the petitioner's case that she has been working in the 4th respondent Society for the past 20 years and till date her services were not regularized. It is her further case that she is entitled to be appointed as Secretary of the Society. However, without considering the petitioner, the 4th respondent Society is taking effective steps to appoint the 5th respondent as Secretary, which is unsustainable one. Hence, the present Writ Petition has been filed.

3. Mr.D.Venkatachalam, learned Additional Government Pleader would submit that the service of the petitioner was not regularized at that time as she did not come under eligible criteria, whereas, the service of the 5th respondent was regularized as he has required qualification. The learned Additional Government Pleader would further submit that the petitioner had filed Writ Petition in W.P.No.34942 of 2012 seeking regularization of her service and consequential promotion and monetary benefits and the same was dismissed by this Court vide order dated 03.01.2013. As against the said order, the petitioner preferred the appeal and the same is pending before this Court. He would further contend that the petitioner's service itself is not regularized and being a temporary employee, the petitioner will not be considered for the promotion to the post of Secretary. Therefore, he sought for the dismissal of the Writ Petition.

4. Heard the counsel and perused the records.

5. It is seen that the petitioner had filed the Writ Petition in W.P.No.34942 of 2012 seeking regularization of her service and the same was dismissed by this Court vide order dated 03.01.2013. As against the said order, the petitioner preferred the appeal and the same is pending before this Court. Now the petitioner objecting the promotion of the 5th respondent

is unsustainable and premature one. It is also noted that as on date the petitioner's service itself is not regularized and being a temporary employee, the petitioner will not come under consideration for the promotion to the post of Secretary.

6. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

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R.Pudupalayam Post
Rasipuram Taluk
Namakkal District

+1cc to Mr.R.Bala Ramesh, Advocate SR.No.90516

+1cc to Mr.P.Rathanavel, Advocate SR.No.90891

+1cc to Government Pleader SR.No.91096

W.P.No. 15150 of 2019

AD(CO)
GMY(12/12/2019)