

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34874 of 2018
and
W.M.P.Nos.40428 & 40429 of 2018

K.P.Latha

... Petitioner

Vs

1.The Joint Registrar of
Co-operative Societies,
Salem District,
Salem.

2.The Deputy Registrar of
Co-operative Societies (In-Charge),
Omalur Circle,
Salem District.

3.The Secretary,
P.N.Patti Veerakkal Pudur
Primary Agricultural Co-operative Society,
Salem.

4.The President,
P.N.Patti Veerakkal Pudur
Primary Agricultural Co-operative Society,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for an issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned the impugned order passed by the 2nd respondent in Na.Ka.No.2317/2017/Ve.Se.Sa.(2) dated 23.11.2018 and to quash the same and consequently direct the 4th respondent to confer the appointment of the petitioner as appraiser in time scale of pay.

For Petitioner : Mr.S.T.P.Kuilmozhi

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-op)

ORDER

The petitioner was appointed as Gold appraiser on commission basis. He was appointed by way of a resolution passed by the co-operative society on 02.11.2015. According to the writ petitioner though she is working as gold appraiser for more than three years, her case is not considered for regularisation and permanent absorption.

2.The learned Special Government Pleader appearing on behalf of the respondents states that the writ petitioner is not entitled for such request, in view of the fact that she is appointed as a gold appraiser only on commission basis and pursuant to the order of the registrar of Co-operative Societies, consolidated pay system was introduced to the post of gold appraiser and subsequently the said benefits were withdrawn. However, the nature of the job is part time and therefore the gold appraisers were appointed on commission basis. There is no sanctioned posts of gold appraiser in the co-operative society. In the absence of any such sanctioned post, the claim of the writ petitioner cannot be considered for regularization and grant of permanent absorption. All regularization are to be granted strictly in accordance with the service rules of the Co-operative Societies. This being the principles to be followed, the claim of the writ petitioner for grant of regularization cannot be considered. However, the writ petitioner shall be permitted to serve as a jewel appraiser as per the terms and conditions of the respondents bank.

With these observations, the writ petition stands dismissed.
No costs.

ssb/gbi

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

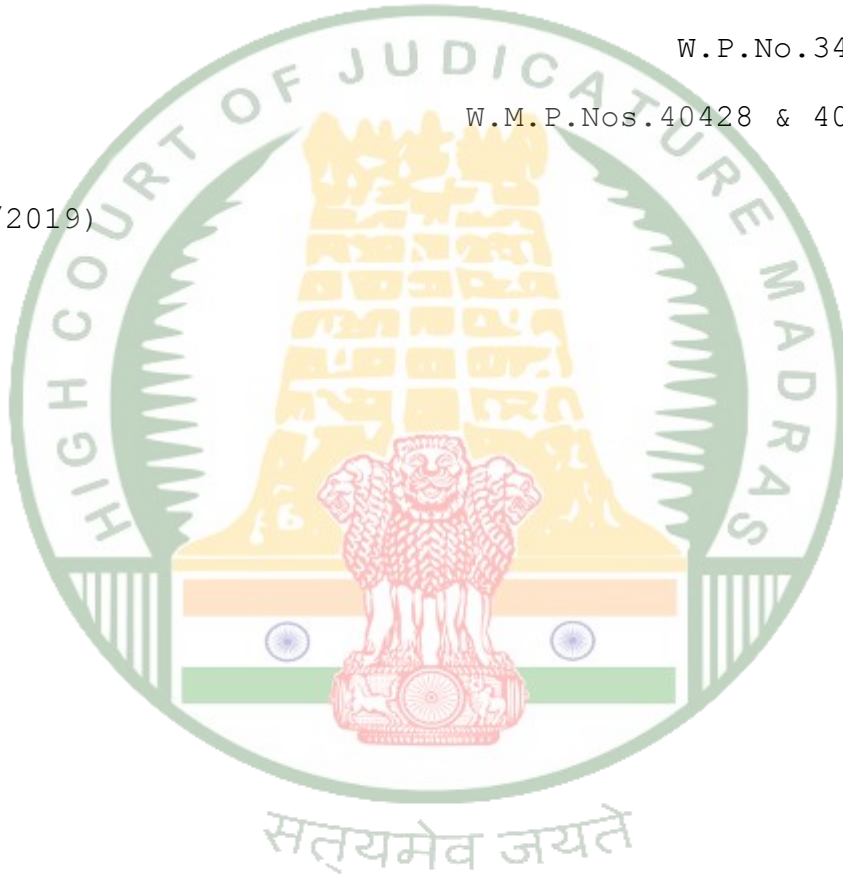
1.The Joint Registrar of
Co-operative Societies,
Salem District,
Salem.

2.The Deputy Registrar of
Co-operative Societies (In-Charge),
Omalur Circle,
Salem District.

+1cc to M/S.S.T.P.KUILMOZHI, Advocate, SR.No.33247
+1cc to Mr.L.P.Shanmugasundaram, Advocate, SR.No.33209
+1cc to the Govt.Pleader (co-op), High Court,Vide Sr.No.34247

W.P.No.34874 of 2018
and
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Kak(10/05/2019)



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