



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20497 of 2019

and

W.M.P. (MD) Nos.17141 & 17142 of 2019

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J.Vijin Jebakumar

... Petitioner

-Vs-

1.The Secretary to Government,
Co-operative Society Department,
Secretariat, Fort St.Geroge,
Chennai 600 005,

2.The Deputy Registrar of Co-operative Societies
Thuckalai, Thuckalai Post,
Kalkulam Taluk, Kanyakumari District.

3.The Joint Registrar of Co-operative Societies
District Collector Office Campus,
Nagercoil Post (Near Dudhie School),
Kanyakumari District.

4.The Sub-Registrar/Secretary
The Manakkavilai Primary Agricultural Co-operative
Credit Society Ltd.,
No.Y-25, Manalikkarai 629 164
Kanyakumari District

5.The Special Officer
The Manakkavilai Primary Agricultural Co-operative
Credit Soceity Ltd.,
No.Y-25, Manalikkarai 629 164
Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Ref.No. Nil, dated 24.05.2019, on the file of the respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent Nos.2, 3 and 4, to regularize the services of the petitioner and to pay salary from May 2018 which remains outstanding, within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roay
For R1 to R3	: Mr.C.M.Mari Chellaiah Prabhu Additional Government Pleader
For R4 & R5	: Mr.M.Muthukaruppan Additional Government Pleader



ORDER

This Writ Petition has been filed challenging the order of the fourth respondent in Ref.No. Nil, dated 24.05.2019, rejecting the request of the petitioner for regularisation.

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2. According to the petitioner, he was appointed in the fourth respondent Society on 31.08.2013 by proceedings of the Manakkavilai Primary Agricultural Co-operative Credit Society Ltd., after conducting interview in the post of Office Assistant and his pay scale was fixed as Rs.3350-100/9-4250-125/10-5500-150/6-6400 (1+25) citing the provisions of G.O.No.189, dated 17.11.2009. While so, due to the change in the administration of the Society from May 2018, no salary was paid to the petitioner. The fourth respondent did not permit the petitioner to sign in the Attendance Register. Due to that, the petitioner has submitted the representation to the respondents on 06.10.2018. Since no order was passed, the petitioner has filed W.P(MD).No.3732 of 2019. This Court, by order dated 26.02.2019, directed the respondents to consider the representation of the petitioner dated 16.10.2018 and pass appropriate orders, on merits and in accordance with law, after affording opportunity of hearing to the petitioner. Subsequent to the order of this Court, the fourth respondent passed an order rejecting the the representation of the petitioner. Challenging the said order, the petitioner has come out with the present writ petition.

3.The learned counsel appearing for the petitioner submitted that this Court by order dated 26.02.2019, directed the respondents to consider the representation of the petitioner, dated 16.10.2018, for regularisation and pass orders, after affording opportunity to the petitioner. In spite of the order, the fourth respondent, without giving opportunity to the petitioner, rejected the request of the petitioner and has not permitted the petitioner to sign in the Attendance Register.

4.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner, Mr. C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.M.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 4 & 5.

5.Considering the facts and circumstances of the case and the earlier order of this Court dated 26.02.2019 made in W.P(MD).No.3732 of 2019, the order of the fourth respondent in Ref.No. Nil, dated 24.05.2019, is set aside and the matter is remanded back to the fourth respondent, for fresh consideration. The fourth respondent is directed to consider the representation of the petitioner, dated 16.10.2018 and pass orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner, as per earlier order of this Court, dated 26.02.2019, within a period of eight (8) weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
Co-operative Society Department,
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Chennai 600 005.
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The Manakkavilai Primary Agricultural Co-operative
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+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR-89109.
+1 CC to GP SR-89374.

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