IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1037 of 2020

1.G.Venkatesan
2.K.Sathiyavelu
3.A.Sankar
4.S.Rajendran
5.E.Gopi
6.B.Pachiyappan
7.D.Janakiraman
8.P.Veeraraghavan
9.V.Gandhi
10.M.Anandan ... Petitioners

vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Co-operative, Food and Consumer Protection Department,
Fort St. George, Chennai - 600 009.

2. The Registrar of Co-operative Societies,
170, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600 010. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pass orders for granting regular absorption of the petitioners into service on par with other similarly placed persons with consequential seniority and promotion to the higher post based on eligibility, with all consequential and attendant benefits by considering the representation dated 19.08.2019 within a time frame to be fixed by this Court.

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For Petitioners: Mr.G.Sankaran

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader

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O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the respondents to grant regular absorption of the petitioners and for consequential seniority and promotion based on their eligibility with all attendant benefits.

2.The case of the petitioners is that they were appointed in the Primary Agricultural Co-operative Banks Ltd., during the period from 1980 to 2001 and they were granted time scale of pay pursuant to the 18(1) of 12(3) settlements arrived between the Union and the Society. The Government issued orders for revision of wages by entering in to 12(3) agreements and the pay scale of the employees belonging to the Co-operative Society was revised accordingly. Consequent upon the orders passed by the Government, the Joint Registrar of Co-operative Society has issued orders for regularisation of the employees appointed prior to the 12.03.2001 in their respective posts.

3.The grievance of the petitioners is that they are all working at Thiurvannamalai District and they have not been issued with the formal orders of regulaisation of their services and therefore, they have been denied with promotion and seniority even though they were appointed prior to 12.03.2001 and persons who are similarly placed have already been given the benefits.

4.The petitioners made several representations in this regard and since the same were not considered, the petitioners, aggrieved by the stagnation in the same post for very long time, have approached this Court seeking for appropriate directions to the respondents.

5.Heard Mr.G.Sankaran, learned counsel appearing on behalf of the petitioners and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader appearing on behalf of the respondents.

6.The petitioners are only seeking to regularise their services from the date of their appointment on par with the similarly placed persons who were regularised pursuant to the orders passed by the Government wherein a direction was given for regularisation of employees appointed prior to 12.03.2001. Obviously, the petitioners will have to be treated on par with the other employees who have already been given the benefit. It is not known as to why no orders have been passed insofar as the petitioners are concerned and this has virtually resulted in the petitioners stagnating in the same post for the past several years.

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7.In view of the above, there shall be a direction to the 2nd respondent to consider the representations made by the petitioners on 19.08.2019 and pass necessary orders in line with the earlier orders passed for similarly placed persons and in line with the orders of the Government, within a period of eight weeks from the date of receipt of copy of this order. The petitioners are directed to make a fresh representation to the 2nd respondent along with the copy of the representation dated 19.08.2019 and also a copy of this order.

8.This writ petition is disposed of with the above direction. No Costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Principal Secretary to Government,
Co-operative, Food and Consumer Protection Department,
Fort St. George, Chennai - 600 009.

2. The Registrar of Co-operative Societies,
170, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600 010.

+1cc to the Special Government Pleader sr.4325
+1cc to Mr.G.Sankaran, Advocate Sr.4100

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srg 12/02/2020

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