

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.844 of 2020

L.Bharanidharan

...Petitioner

Vs.

1. The Registrar of Co-operative Societies (Housing),
No.48, Ritherton Road,
Veperi, Chennai -7
2. The Deputy Registrar of Co-operative Societies (Housing),
East Garden Street,
Salem Region, Salem - 636 016.
3. S.1523, Dr.Ambedkar Salem City,
Co-operative House Building Society Limited,
Rep by its President,
No.9, Paulpillai Street,
Kottai, Salem - 636 001

...Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the proposal submitted by the 2nd respondent in Na.Ka.No.2530/2018/U dated 16.10.2018 on the file of the Deputy Registrar of Co-operative Societies, Salem and the orders passed by the 1st respondent in RC No.8177/2017/SF1 dated 27.04.2018.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.L.P.Shanmuga Sundaram
Special Government Pleader
for R1 to R3.

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to consider the proposal that was submitted by the 2nd respondent by his proceedings dated 16.10.2018 and to pass appropriate orders, within a time limit fixed by this Court.

2. The petitioner is working as a Record Clerk in the 3rd respondent society from the year 1999 onwards. The petitioner has put in 21 years of service and his salary is being fixed in accordance with the settlement reached under Section 18(1) of the Industrial Disputes Act. According to the petitioner, he has satisfied all the necessary qualifications prescribed under Rule 149 of the Tamil Nadu Co-operative Societies Rules. The only disqualification faced by the petitioner is that he was not sponsored by the Employment Exchange. By virtue of the same, the service of the petitioner was not regularized.

3. The further claim of the petitioner is that the 3rd respondent society passed a resolution regularizing the scale of pay of the petitioner and the same was forwarded to the 1st respondent through the 2nd respondent. On receipt of the proposal, the 2nd respondent has submitted a proposal to the 1st respondent by his proceedings dated 16.10.2018. The grievance of the petitioner is that the proposal is pending before the 1st respondent for consideration and no orders have been passed till date. It is the further claim of the petitioner that similarly placed employees had approached this Court seeking for a similar relief and this Court has directed the 1st respondent to pass appropriate orders on the proposal that has been forwarded to the 1st respondent.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the 2nd respondent has already forwarded the proposal to the 1st respondent as early as in the month of October 2018, this Court deems it fit to direct the 1st respondent to take up the proposal, which has been forwarded by the 2nd respondent and pass appropriate orders, strictly in accordance with law, within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with copy of this order and also mark a copy of the same to the 2nd respondent.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rka

To

1. The Registrar of Co-operative Societies (Housing),
No.48, Ritherton Road,
Vepperi, Chennai -7
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Rep by its President,
No.9, Paulpillai Street,
Kottai, Salem - 636 001.

+1cc to Mr.M.S.Palaniswamy, Advocate SR.3545

+1cc to Spl Government Pleader(CO-OP) SR.3874

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VGI (CO)
CB(18/03/2020)



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