

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1087 of 2021
(Heard through VC)

C.Mariappan

.. Petitioner

-vs-

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

.. Respondent

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the 1st respondent to pass orders on the representation dated 28.06.2019 seeking settlement of terminal benefits including appropriate pension with continuity of service as had been done and extended to other similarly placed persons in the light of the order in W.P.No.11322/2009 dated 27.01.2010 on merits and as per law.

For Petitioner : Mr.L.Chandrakumar

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

O R D E R

The petitioner has come forward with this writ petition, seeking a direction to the first respondent to pass orders on the representation dated 28.06.2019 seeking settlement of terminal benefits including appropriate pension with continuity of service as had been done and extended to other similarly placed persons in the light of the order in W.P.No.11322/2009 dated 27.01.2010 on merits and as per law.

2. Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice on behalf of the respondent. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner was appointed as Junior Inspector of Co-operative Societies on temporary basis under Rule 10(a)(i) on

16.06.1986. As the services were terminated for want of vacancy on 21.04.1987, the Association made a representation seeking regularisation of their services, for which Government issued orders to hold Special Qualifying Exam in which, some persons were not successful and for few others, the Service Commission failed to publish the results. As the benefit of regularization was not properly extended to all similar situations, the petitioner along with others filed a writ petition in W.P.No.11322 of 2009 for reappointment and regularization with consequential benefits of both service and monetary thereto. This Court, by order dated 27.01.2020 directed the respondent to reappoint and regularize the services as had been done to other similar situations through G.O.Ms.No.158 dated 22.05.2007 and G.O.Ms.No.153 dated 13.08.2008. Pursuant to the said order and the appeal being dismissed by confirmation of the above order, the respondent in Rc.No.41406/2009/EM3 dated 31.05.2013 directed reinstatement with effect from the date of issue of the above said order with other consequential benefits to all other similarly placed persons like that of the petitioner, but he alone has not been granted prospective benefits. As the petitioner reached the age of superannuation during June, 2019, he made a representation dated 28.06.2019 to the respondent seeking settlement of terminal benefits including appropriate pension with continuity of service as had been done and extended to other similarly placed persons. But, the same is yet to be considered. Hence, the petitioner is before this Court.

4. Considering the facts and circumstances of the case, as the petitioner's representation is already pending with the authority concerned, this Court directs the respondent herein to consider the representation of the petitioner dated 28.06.2019, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and others, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

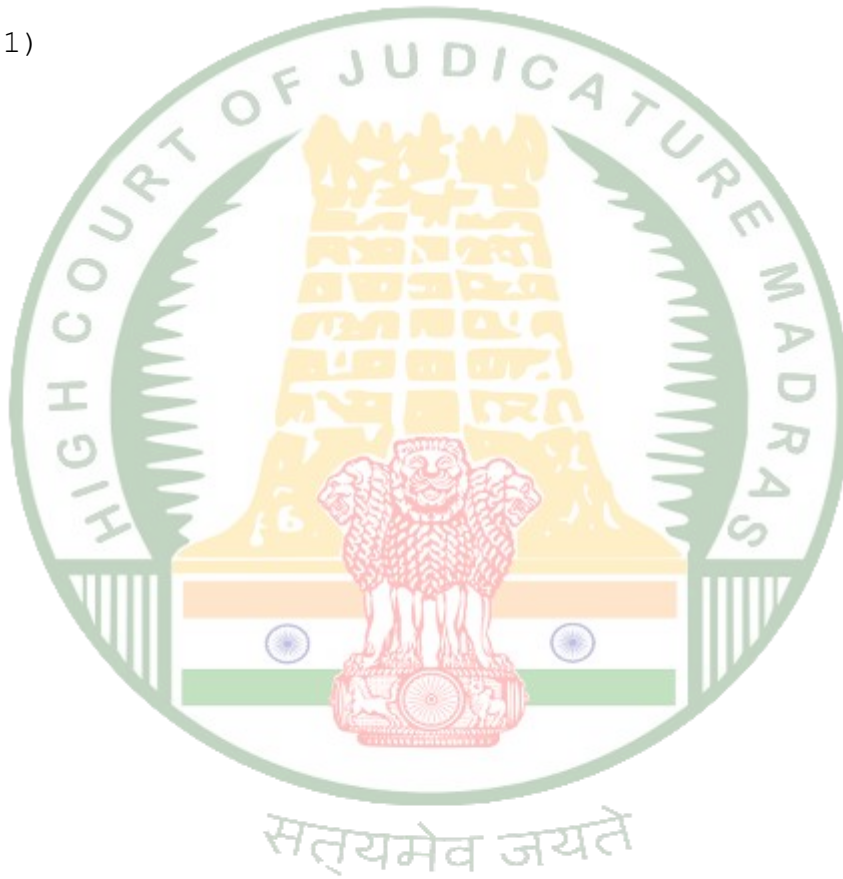
To

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

+1cc to Mr.L.Chandra kumar, Advocate, S.R.No. 2666
+1cc to the Special Government Pleader(Co.Op), S.R.No. 3233

W.P.No.1087 of 2021

KK(CO)
GN(17/03/2021)



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