

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3282 of 2021

A.S.Mubarak

... Petitioner

-vs-

1. The Registrar of Co-operative Societies,
E.V.R. Periyar High Road,
Kilpauk, Chennai 600 010.
2. The Joint Registrar of Co-operative Societies,
Erode Region, Surampatti,
Erode, Erode District.
3. The President,
A.A.300 Bargur Primary
Agricultural Co-operative Credit Society,
Bargur Post - 638 501,
Anthiyur Taluk,
Erode District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to regularize the Petitioner's service as Salesman in the 3rd Respondent Society by giving retrospective effect from the date of appointment.

For Petitioner : Mr.C.Prakasam

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

O R D E R

Petitioner has come up with the above Writ Petition seeking a direction to the Respondents to regularize his service as Salesman in the 3rd Respondent Society, by giving retrospective effect from the date of appointment.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. It is represented by the learned Special Government Pleader appearing for the Respondents that, the issue in question is squarely covered by an order dated 19.02.2021 passed by this Court in W.P.No.21440 of 2020, batch of cases, wherein, the issue similar to the case on hand came up for consideration.

4. In view of the ratio laid down by this Court in the order dated 19.02.2021 passed by this Court in W.P.No.21440 of 2020 batch of cases, this Court issues the following directions:

(a) Petitioner, who has fulfilled his/her educational qualification and who has been appointed in a sanctioned post within the cadre strength, and is in regular scale of pay, is declared to have satisfied the substantial/mandatory qualification prescribed under Rule 149(1) of the Rules;

(b) Appointments not being sponsored by the Employment Exchange, as prescribed under Rule 149(2) of the Rules, will only make the appointments irregular and not illegal;

(c) Petitioner who has fulfilled the criteria stipulated in clause (a), shall be regularized by the Respondents by issuing appropriate proceedings within a period of eight weeks from the date of receipt of a copy of the order by taking the cut-off date on par with similarly placed persons.

(d) Regularization of service of the Petitioner will not entail him/her with any additional monetary benefits except the consequential benefits which flow from such regularization; and

(e) The benefit of regularization that is extended to the eligible Petitioner, as the case may be, shall also be extended to all those employees who are similarly placed even though they have not knocked at the doors of this Court.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Registrar of Co-operative Societies,
E.V.R. Periyar High Road,
Kilpauk, Chennai 600 010.
2. The Joint Registrar of Co-operative Societies,
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3. The President,
A.A.300 Bargur Primary
Agricultural Co-operative Credit Society,
Bargur Post - 638 501,
Anthiyur Taluk, Erode District.

+1cc to Spl Government Pleader(CO-OP), S.R.No.17307

W.P.No.3282 of 2021

GPL(CO)
CB(18/05/2021)