

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3259 of 2021

A.K.Kumaresan

... 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,
AA510, Kurumandur Primary Agricultural
Co-operative Credit Society,
Kurumandur Post-638 457,
Nambiyur Taluk, Erode District.

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus to direct 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.Shanmuga Sundaram
Special Government Pleader(Co-operatives)

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition to direct the respondents to regularize the petitioner's service as Salesman in the 3rd respondent society by giving retrospective effect from the date of appointment.

2. Mr.L.P.Shanmugasundaram, learned Special Government Pleader(Co-operatives) takes notice for the respondents. By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he was selected through interview conducted by the third respondent and appointed as

Salesman on 05.02.2001 in the third respondent society. He was working as Salesman for the past 19 years without any break. Though several requests have been made to regularize his service based on the circulars dated 30.08.2007 and 27.11.2008, by which 36,872 irregular appointees, 26,768 irregular employees' services were regularized, his service was not regularized. Recently, the Madurai Bench of Madras High Court, by an order dated 27.04.2015 in W.A.(MD) No.250 of 2015, regularized the services of the employees, who have worked continuously for more than 480 days. The Government of Tamil Nadu has also issued the Government Order in G.O.Ms.No.131 Personnel and Administrative Reforms Department, dated 28.11.2020 to the effect that if the Government servants are working more than 10 years as daily wages or temporary employees, their services be considered for the regularization. The petitioner has also made a representation on 01.02.2021 before the respondents and the same is pending consideration. Seeking direction to regularize his service, the petitioner has filed the present writ petition.

4.The learned counsel appearing for the petitioner, placing reliance on the common order passed by this Court in W.P.Nos.21440 of 2015 etc., batch dated 15.02.2021, has submitted that the services of the petitioner in the third respondent has to be regularized.

5.This Court, in paragraph 37 of the common order in W.P.Nos.21440 of 2015 etc., batch dated 15.02.2021, observed as follows:

"37.In view of the above discussion, all the Writ Petitions are disposed of with the following directions:

- a. All those Petitioners/Respondent Employee, as the case may be who have at the time of their appointment, fulfilled their educational qualification, who have been appointed in a sanctioned post within the cadre strength, and are in regular scale of pay, are declared to have satisfied the substantial/mandatory qualification prescribed under Rule 149(1) of the Rules;
- b. The appointments not being sponsored by the employment exchange, as prescribed under Rule 149(2) of the Rules, will only make the appointments 58/62/59 irregular and not illegal;
- c. All those Petitioners/Respondent Employee, as the case may be who have fulfilled the criteria stipulated in Clause (a), shall be regularised by the Respondents by issuing

appropriate proceedings within a period of 8 weeks from the date of receipt of copy of this Order by taking the cut-off date as 12.03.2001; d. The regularization of service of the Petitioners/Respondent Employee, as the case may be will not entail them with any additional monetary benefits except the consequential benefits which flows from such regularization; and e. The benefit of regularization that is extended to the eligible Petitioners/Respondent Employee, as the case may be shall also be extended to all those employees 59/62/60 who are similarly placed even though they have not knocked the doors of this Court. Accordingly, the batch of writ petitions are disposed of. No costs. Consequently, all the connected miscellaneous petitions are closed."

6. In the light of the dictum laid down by this Court, this writ petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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,
Erode Region, Surampatti, Erode, Erode District.
3. The President,
AA510, Kurumandur Primary Agricultural
Co-operative Credit Society,
Kurumandur Post-638 457,
Nambiyur Taluk, Erode District.

+1cc to Mr.C.Prakasam, Advocate SR.No.16891

+1cc to The Special Government Pleader Sr.No.16696

akm/08.04.21 /3p-6c/

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