

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.8216 of 2021

A.Kathirvelu

... Petitioner

-vs-

- 1.The Registrar of Co-operative Societies,
Kilpauk, Chennai-10.
- 2.The Joint Registrar of Co-operative Societies,
Thiruvannamalai Region,
Thiruvannamalai,
Thiruvannamalai District.
- 3.The President,
H.H.495, Periyakolappadi Primary
Agricultural Co-operative Credit Society,
Periyakolappadi Village & Post - 606 704,
Chengam Taluk,
Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to regularise 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
Additional 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 Additional Government Pleader appearing for the Respondents that, the issue in question is squarely covered by the 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 herein, who has fulfilled his educational qualification and who has been appointed in a sanctioned post within the cadre strength, and are 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 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, the Writ Petition stands disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vum
To

1.The Registrar of Co-operative Societies,
Kilpauk, Chennai-10.

2.The Joint Registrar of Co-operative Societies,
Thiruvannamalai Region,
Thiruvannamalai,
Thiruvannamalai District.

3.The President,
H.H.495, Periyakolappadi Primary
Agricultural Co-operative Credit Society,
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Chengam Taluk,
Thiruvannamalai District.

+1 cc to Government Pleader Sr.No. 21013

W.P.No.8216 of 2021

VBM(CO)
A.SK(07.07.2021)



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