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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23767 of 2021

(Through Video Conferencing)

R.Maboob Basha

...Petitioner

Vs

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

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

3.The Management of S.527, Kelamangalam
Agricultural Producers Co-operative Society Ltd.,
Rep.by its Managing Director,
Kelamangalam, Denkanikottai Taluk,
Krishnagiri District-635 113.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider and pass appropriate orders on the representation dated 17.09.2021 made by the petitioner herein within stipulated time period as may be fixed by this Court.

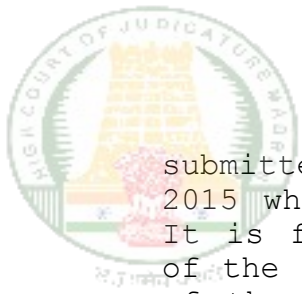
For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate [R1 & R2]
Mr.Baladhandayutham [R3]

ORDER

This writ petition is filed to issue a writ of Mandamus, directing the respondents 2 and 3 to consider and pass appropriate orders on the representation dated 17.09.2021 made by the petitioner herein within stipulated time period as may be fixed by this Court.

2. It is the case of the petitioner that the petitioner was appointed as Ration Shop Packer in MGR Nagar Ration shop on 01.10.1999 and continued to work on daily wage basis. It is



submitted that meanwhile, the petitioner filed W.P.No.21440 of 2015 which came to be disposed by an order dated 19.02.2021. It is further submitted that while regularising the services of the other persons, the 1st respondent has left out the name of the petitioner. Under these circumstances, the petitioner has sent a representation to the respondents to pass appropriate orders.

3. According to the petitioner, the Government had issued G.O.Ms.No.86, Co-operation, Food and Consumer Protection Department, dated 12.03.2001, wherein, it has been directed to regularise the services of the employees who had joined the Co-operative Societies between 09.07.1980 and 11.03.2001 and had completed 480 days.

4. However, the service of the petitioner has not been regularised by the respondents as the name of the petitioner was not sponsored by the Employment Exchange though the petitioner was appointed during the aforesaid period and had completed 480 days. It is further submitted that those persons who were appointed were persons sponsored by the Employment Exchange Board. They had filed W.P.No.21440 of 2015 batch etc cases before this Court.

5. By a common order dated 19.02.2021, this Court had disposed the batch with a direction to regularise their services of the employees. It is submitted that the petitioner is not entitled to similar relief as the petitioner was not a similarly placed persons. The operative portion of the said order reads as under:-

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 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 regularized by the Respondents by issuing appropriate proceedings within a period of 8 weeks from the date of receipt of a copy of this order by taking the cut-off



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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 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. It is submitted that pursuant to the aforesaid order, the first respondent had issued a circular dated 22.02.2021 to send the list of the employees those who have appointed between 09.07.1980 and 11.03.2001 whose names were sponsored by the Employment Exchange Board. However, the third respondent has not forwarded the complete list of employees and failed to include the name of the petitioner. Under these circumstances, the petitioner had sent a representation dated 17.09.2021.

7.Considering the overall facts and circumstances of the case and the order dated 19.02.2021 of this Court in W.P.No.21440 of 2015 batch etc, since the petitioner was appointed on 01.10.1999, the second and third respondents are directed to consider the representation dated 17.09.2021 of the petitioner in the light of the order of this Court in W.P.No.21440 of 2015 batch etc, and to pass appropriate orders on merits in accordance with law, within a period of 30 days from the date of receipt of a copy of this order.

8. With the above observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssn

To

1.The Registrar of Co-operative Societies,

N.V.N.Maligai, Kilpauk,

<https://hcservices.ecourts.gov.in/hcservices/>
Chennai-10.



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

3.The Managing Director,
The Management of S.527, Kelamangalam
Agricultural Producers Co-operative Society Ltd.,
Kelamangalam, Denkanikottai Taluk,
Krishnagiri District-635 113.

+1cc Mr.T.Sundaravadanam, Advocate SR. No.57055

+1cc to Government Pleader SR. No.57685

W.P.No.23767 of 2021

RR (CO)

PR (04/01/2022)