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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NOS.23660 AND 23663 OF 2021
(THROUGH VIDEO CONFERENCING)

S.Balaji

... Petitioner
in W.No.23660 of 2021

K.Jayapal

... Petitioner
in W.P.No.23663 of 2021

Vs

1. The Registrar of Co-op. Societies,
N.V.N.Maligai, Kilpauk, Chennai -10.
2. The Joint Registrar of Co-op. Societies,
Krishnagiri, Krishnagiri District.
3. The Mangement of S.527, Kelamangalm
Agricultural Producers Co-op. Society Ltd.,
Rep.by its Managing Director,
Kelamangalam, Denkanikottai Taluk,
Krishnagiri District - 635113. ... Respondents in
both W.Ps.

Common Prayer:

Writ Petitions 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 16.07.2021 made by the petitioner herein within stipulated time period as may be fixed by this Court.

For Petitioners : Mr.T.Sundaravadanam

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate [for R1 and R2]

: Mr. N.R.R.Arun Natarajan
Government Advocate [for R3]



COMMON ORDER

These Writ Petitions have been filed to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider and pass appropriate orders on the representation dated 16.07.2021 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 petitioners were appointed as a Ration Shop Packer in MGR Nagar Ration shop way back in the year 1999 by the 3rd respondent 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 preparing the list of names of the persons, the respondents have left out the name of the petitioners and therefore, regularised the service of similarly placed persons names. It is submitted that the petitioners name were left out by the 1st respondent. Under these circumstances, the petitioner has sent a representation to the respondents to pass appropriate orders.

3. Since there is already a direction to the respondent to consider the representation of the petitioner and pass appropriate orders to the similarly placed persons in W.P.No.17900 of 2021 vide order dated 26.08.2021, it reads as under:

'2.This Writ Petition has been filed for issuance of a writ of mandamus to direct the second and third respondents to consider and pass appropriate orders on the representation dated 16.07.2021 of the petitioner.

3.It is the case of the petitioner that the petitioner was appointed as a Ration Shop Packer on 01.10.1999 by the third respondent. 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 08.07.1980 and 12.03.2001 and had completed 480 days.

4.However, the service of the petitioner has not been regularised by the respondents stating that the petitioner was appointed without being sponsored by the Employment Exchange though the petitioner was appointed during the aforesaid period and completed 480 days. Similarly placed employees like the petitioner was also appointed though he was sponsored by the Employment Exchange



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Board and had filed Writ Petition in W.P.No.21440 of 2015 batch etc cases before this Court. By a common order dated 19.02.2021, this Court had disposed the batch with a direction to regularise the services of the employees. 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 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.

5. 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 08.07.1980 and 12.03.2001 though not sponsored by the Employment



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Exchange Board. However, the third respondent has not forwarded the complete list of employees and thereby failed to include the name of the petitioner. Under these circumstances, the petitioner had sent a representation dated 16.07.2021. A further reminder dated 27.07.2021 was also sent to the subordinate officials to furnish the details on or before 30.07.2021 without fail.

6.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 and since the petitioner was appointed as early as on 01.10.1999, the second and third respondents are directed to consider the representation dated 16.07.2021 of the petitioner in the light of the order of this Court in W.P.No.21440 of 2015 batch etc and 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.''

4. Considering the above, the respondents 2 and 3 are directed to consider the representation dated 16.07.2021 of the petitioner in the light of the order of this Court in W.P.No.21440 of 2015 batch etc and 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.

5. In view of the same, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Registrar of Co-op. Societies,
N.V.N.Maligai, Kilpauk, Chennai -10.
2. The Joint Registrar of Co-op. Societies,
Krishnagiri, Krishnagiri District.



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3. The Managing Director,
The Mangement of S.527, Kelamangalm
Agricultural Producers Co-op. Society Ltd.,
Kelamangalam, Denkanikottai Taluk,
Krishnagiri District - 635113.

+2ccs to Mr.T.Sundaravadanam, Advocate, S.R.No.57054,57053
+1cc to the Government Pleader, S.R.No.57688

W.P.Nos.23660 & 23663 of 2021

KG(CO)
PM/15/12/2021