



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

CORAM:

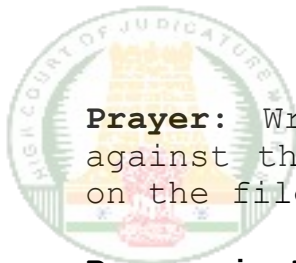
**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**W.A(MD)No.1572 of 2021
and
C.M.P(MD)No.6560 of 2021**

P.Thangavelu ... Appellant / Petitioner

Vs.

- 1.The Accounts General (A & E),
Thenampet,
Chennai.
 - 2.The Secretary,
Co-operation, Food and Distribution Department,
Chief Secretariat,
Chennai - 9.
 - 3.The Registrar of Co-operative Societies,
No.170, Periyar E.V.R High Road,
Kilpauk,
Chennai - 10.
 - 4.The Secretary,
Tamil Nadu Public Service Commission,
Paris,
Chennai.
 - 5.The Joint Registrar,
Office of the Joint Registrar,
Co-operative Societies,
Perambalur District.
 6. The Joint Registrar,
Office of the Joint Registrar,
Co-operative Societies,
Trichy.
- ... Respondents / Respondents



Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 17.03.2021 made in W.P(MD)No.7073 of 2017 on the file of this Court.

Prayer in WP(MD) . 7073/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, this Court To issue a Writ of Mandamus, directing the 1st and 2nd Respondents to regularize the service of the Petitioner for the period between 09.10.1990 to 29.11.2007 and consequently grant all the pensionary and other monetary benefits for the period from the date of appointment till the date of superannuation of the Petitioner.

For Appellant	: Mr.N.Anandakumar
For R - 1	: Mr.P.Gunasekaran
For RR 2, 3, 5 & 6	: Mr.P.Thilak Kumar
	Standing Counsel for the Government
For R - 4	: Mr.D.Sivaraman

JUDGMENT

(Judgment of the Court was delivered by
M.DURAISWAMY, J.)

Challenging the order, dated 17.03.2021, passed in W.P(MD) No.7073 of 2017, the writ petitioner has filed the above Writ Appeal.

2.The appellant filed the Writ Petition to issue a Writ of Mandamus, directing the first and second respondents to regularize the service of the petitioner for the period between 09.10.1990 to 29.11.2007 and consequently grant all the pensionary and other monetary benefits for the period from the date of appointment till the date of superannuation of the petitioner.

3.It is pertinent to note that as early as on 28.07.2014, the service of the appellant was regularized from 05.12.2007. Admittedly, the appellant had attained the age of superannuation on 31.01.2013.

4.When the third respondent had regularized the service of the appellant on and from 05.12.2007, by his order, dated 28.07.2014, the appellant has not challenged the same and allowed the order to become final. Without challenging the said order, now the appellant is seeking for regularization from 09.10.1990 to 29.11.2007. When the appellant had allowed the order, dated 28.07.2014 to become final, he cannot seek for regularization contrary to the said order.

5.The learned Single Judge, taking into consideration this aspect, has rightly dismissed the Writ Petition. We do not find any

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merits in the Writ Appeal. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (P&A)

/ /2021

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Accounts General (A & E),
Thenampet,
Chennai.
- 2.The Secretary,
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Trichy.

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GC (27.08.2021) /4P/7C