



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.15068 OF 2010

B.M.Krishnan

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Tiruvallur Region, Tiruvallur and District.
- 2.Vanganur Primary Agricultural Co-operative Credit Society Ltd.,
Vanganur Village and Post,
Pallipattu Taluk,
Tiruvallur District represented by its Special Officer
... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the impugned order in the revision petition bearing No. Na.Ka.999/09/A3 dated 28.01.2010 and quash the same and also consequently, direct the IInd respondent to revise the pay scales of the petitioner as ordered in the Government Orders dated 06.01.1994 and 04.06.1999 and pay the arrears salary and also pay all the retirement benefits to the petitioner.

For Petitioner : No Appearance

For Respondents : Mrs.R.Renganayaki
Additional Government Pleader (for R1)

No Appearance (for R2)

ORDER

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the impugned order in the revision petition bearing No. Na.Ka.999/09/A3 dated 28.01.2010 and quash the same and consequently, to direct the 2nd respondent to revise



the pay scales of the petitioner as ordered in the Government Orders dated 06.01.1994 and 04.06.1999 and pay the arrears salary and also pay all the retirement benefits to the petitioner.

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2. The case of the petitioner is that the petitioner was appointed as Night Watchman in the 2nd respondent/society on consolidated basis and he retired from service upon superannuation with effect from 31.07.2008 and he was receiving a consolidated pay of Rs.900/- per month. All along his service, no dispute whatsoever, was raised by the petitioner. However, just a week before his superannuation on 24.07.2008, he made a representation to the 2nd respondent stating that he should be fitted in the scale of pay applicable from his initial appointment (i.e. 01.07.1992). The said representation was followed by one more reminder dated 05.10.2008. The said request was rejected by an order dated 19.11.2008 as against which he filed a revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 before the 1st respondent. By the order impugned in the writ petition dated 28.01.2010, the 1st respondent after considering the fact that during the entire period of service, the petitioner was appointed on consolidated basis and since he has already retired from service, there was no any question of fixation of his scale of pay from the date of initial appointment.

3. This apart, the 1st respondent also found that even as on date of appointment, he was over aged and therefore, only based on the irregularity in the appointment, he did not pray for regularization of his service. As a matter of fact, the Registrar of Co-operative Societies had also by an order dated 01.08.2008 ordered that even the irregularly appointed employees, who are appointed with effect from 01.08.2008 shall be granted the time scale of pay. But however, since the petitioner retired from service before the cut of date, he was not granted the benefit and therefore, the revision petition was dismissed.

4. The present writ petition challenges the said order and revision on the ground that the appointment of the petitioner without notifying the vacancies to the Employment Exchange cannot be termed as irregular, as the work is an unskilled one. The said contention of the petitioner is unnecessary because that is not the ground on which the revision has been rejected. The petitioner further contends that two other employees namely V.T.Arunagiri and Elumalai were granted the scale of pay even though they were also irregularly appointed. But however, there



is no assertion that they were also over aged as on date of appointment. Neither their date of retirement is mentioned. In any event, till the date of superannuation, there was absolutely no claim whatsoever by the petitioner.

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5. This apart, when the petitioner joined service and completed his service as an employee on consolidated pay. For the first time, after retirement, he is seeking fixation of scale of pay, which cannot be countenanced. The respondent has also considered the said fact that since he is already retired from service, there is no question of any fixation of scale of pay.

6. Considering all the above, I see no merit in the writ petition and accordingly, the same is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Joint Registrar of Co-operative Societies,
Tiruvallur Region, Tiruvallur and District.
- 2 The Special Officer,
Vanganur Primary Agricultural
Co-operative Credit Society Ltd.,
Vanganur Village and Post,
Pallipattu Taluk,
Tiruvallur District.

+lcc to the Government Pleader, S.R.No.17414

W.P.No.15068 of 2010

NRL (CO)
PM/25/03/2022