



WEB COPY

WP(MD)No.9516 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.9516 of 2017

and

W.M.P.(MD)No.8377 of 2017

T.Pandimadevi

... Petitioner

vs.

1.The Deputy Registrar of Co-operative
Societies,
Collectorate Complex,
Velunachiyar Valagam, Palani,
Dindigul District.

2.The President,
Pannaikadu PrimaryAgricultural Co-operative
Bank,
Pannaikadu, Kodaikanal Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records on the file of the 1st respondents relating to the order passed by the first respondent in Na.Ka.1274/2013 Vi.Sa., dated 21.12.2016 and to quash the same.

For Petitioner : Mr.V.O.S.Kalaiselvan

For Respondents : M/s.D.Farjana Ghoushia
Special Government Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorari, to call for the records on the file of the respondents relating to the order passed by the first respondent in Na.Ka.1274/2013 Vi.Sa., dated 21.12.2016 and to quash the same.

2.In the impugned order, the respondents have stated that the petitioner is not entitled to any compassionate appointment, since the deceased employee was not regularized.

3.The brief facts of the case are that the petitioner's husband, namely S. Govindaraj, was engaged as Salesman and worked from 31.12.1993 and has rendered continuous and uninterrupted service till 2006. The said employee has prayed to regularize his

first test
service d



of employees in Co-operative Society in W.P.No.21440 of 2020, has held as under:

"16.This is an unfortunate case where luck has played its part. The Government took a decision to regularize the services of nearly 35,000 employees working in various Societies by drawing a cut-off date as 12.03.2001 and out of the same, the lucky 26,000 employees got their services regularized. The rest of the employees were facing the wrath of their destiny. They were eagerly expecting their services to be regularized like that of the similarly placed employees but bad luck came in their way. The process of regularization was undertaken even for the Petitioners and due to various administrative delays, it did not reach its logical end. By then, there was a huge shift in law with regard to illegal and irregular appointments . This started from **Umarani's case** (cited supra). The Hon'ble Supreme Court came down very heavily on irregular appointments through back door entry which was putting a heavy financial burden on the Cooperative Societies.

This judgement virtually stopped any further processing for regularization of the left out employees. It came to a grinding halt after the judgement of the Full Bench in **R. Rathakrishnan** (cited supra).

.....

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 regularised by the Respondents by issuing appropriate proceedings within a period of 8 weeks from the date of receipt of 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."

8. Since the petitioner's husband was one among the 35,000 employees, this Court is following the judgment rendered supra. Therefore, the respondents are directed to regularize the petitioner's husband based on the second respondent's proposal, dated 23.12.2006. After the regularization, the respondents are directed to approve the compassionate appointment granted to the petitioner on 30.12.2015 by considering the second respondent's resolution, dated 30.12.2015.

9. With the above direction, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

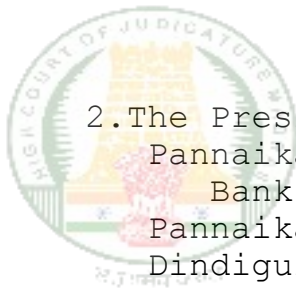
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Note:

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 Deputy Registrar of Co-operative Societies,
Collectorate Complex,
Velunachiyar Valagam, Palani,
Dindigul District.



2.The President,
Pannaikadu PrimaryAgricultural Co-operative
Bank,
Pannaikadu, Kodaikanal Taluk,
Dindigul District.

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+1 CC to M/s.SPL GP (SR-5327[F] dated 10/02/2022)

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