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W.P.No.15437 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 15437 of 2016

and

W.M.P.No.13457 of 2016

P.Saravanan @ Palani Murugan

... Petitioner

Versus

1.The Chief Secretary

Government of Puducherry,
Puducherry.

2.The Registrar of Co-Operative Societies,
Puducherry.

3.The Managing Director,

Puducherry Co-Operative wholesale
Stores Ltd,(Amudha Surabi), Puducherry.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the respondents to take appropriate steps on the representation submitted by the petitioner on 04.01.2016 followed by his legal notice dated 11.02.2016 and cancel and stop back door appointments made in Puducherry Co-Operative Wholesale, Stores, Puducherry in violation of the Puducherry Casual Labourers



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(Engagement and Regularisation) Scheme 2009 issued in G.O.Ms.No.22, Department of Personal and Administrative Reforms (Personal Wing) Dated 27.02.2009 and consider the petitioner for appointment with reference to his employment exchange seniority.

For Petitioner : Mr.P.Mohan Raj
For Respondents 1 & 2 : Mrs.A.Tamilvanan
Additional Government Pleader(Puducherry)
For Respondent 3 : R.Sreedhar

ORDER

This writ petition has been filed to direct the respondents to take appropriate steps on the representation submitted by the petitioner on 04.01.2016 followed by his legal notice dated 11.02.2016 and cancel and stop back door appointments made in Puducherry Co-Operative Wholesale, Stores, Puducherry in violation of the Puducherry Casual Labourers (Engagement and Regularisation) Scheme 2009 issued in G.O.Ms.No.22, Department of Personal and Administrative Reforms (Personal Wing) Dated 27.02.2009 and consider the petitioner for appointment with reference to his employment exchange seniority.



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2. The premise under which the petitioner had approached this Court is that the Puducherry Co-Operative Wholesale Stores Limited, Puducherry (Amudha Surabhi) is a Co-operative Society in which the Government of Puducherry owns 80% of the share capital. The Government of Puducherry brought into effect the Puducherry Casual Labourers (Engagement and Regularisation) Scheme 2009 by the orders issued in G.O.Ms.22, Department of Personnel and Administrative Reforms (Personnel Wing) dated 27.02.2009 which was also published in the Official Gazettee on the same day and it came into force with effect from 27.02.2009. The petitioner has registered his name in the Employment Exchange on 17.05.2012 and yet to receive any communication regarding his appointment. However, he came to know that there are attempts to make back door appointments superseding the petitioner. In such view of the matter, he gave representation on 04.01.2016 to the 3rd respondent and also issued a legal notice on 11.02.2016 to the Chief Secretary, Government of Puducherry, Registrar of Co-Operative Societies, Puducherry and the Managing Director of Puducherry wholesale Co-Operative Stores Limited to cancel and stop back door appointments in



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violation of the above said G.O orders. According to the writ petitioner, there was no response to the said representation dated 04.01.2016 and to the legal notice dated 11.02.2016. Under such circumstances, the petitioner has approached this Court seeking issuance of a writ of mandamus .

3. Heard the learned counsel appearing for the petitioner and learned Additional Government Pleader for the respondents 1 and 2 and the learned Standing Counsel for the 3rd respondent.

4. The learned counsel for the respondents would submit that there is no back door appointment made as apprehended by the writ petitioner. Moreover, the representation was issued way back in January 2016 and much in the last 7 years if really.

5. In view of the above facts and circumstances of the case, this Court feels that if the writ petitioner is still aggrieved, it is open to him to give a fresh representation to the respondents within a period of four weeks from the date of receipt of a copy of this order and in the event of any such



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representation being given, the respondents shall consider the same objectively and pass orders on merits within a period of six weeks thereafter.

6. With the above direction, this Writ Petition is disposed of. No cost.

Consequently, connected miscellaneous petition is closed.

08.06.2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order
nr

To

- 1.The Chief Secretary
Government of Puducherry,
Puducherry.
- 2.The Registrar of Co-Operative Societies,
Puducherry.
- 3.The Managing Director,
Puducherry Co-Operative wholesale
Stores Ltd,(Amudha Surabi), Puducherry.



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P.B.BALAJI, J.,

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