



W.P.No.30177 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30177 of 2011
and M.P.No.1 of 2011

P.Zahir Hussain

.. Petitioner

Versus

1. The State of Tamilnadu Rep. by its
Secretary to Government,
Co-Operation, Food and Consumer
Protection Department,
Fort. St. George,
Chennai - 9.
2. The Registrar of Co-Operative Society,
O/o. The Registrar of Co-Operative Society,
Kilpauk,
Chennai - 10.11.1998
3. The Joint Registrar of Co-Operative
Societies,
Perambalur Region,
Perambalur District.
4. P.R.5 Perambalur District
Police Department Employees Cooperative
Thrift and Credit Society,
Perambalur.

R4 suo-motu impleaded as per order, dated 14.11.2019



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made in W.P.No.30177 of 2011

.. Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari calling for the records on the file of the third respondent issued in Na.Ka.No.7519/2006 Nu.Ku., dated 22.11.2011 and quash the same.

For Petitioner : Mr.V.Ravi Kumar

For Respondents : Mr.T.K.Saravanan,
Government Advocate,
for RR-1 to 3

: Mr.P.K.Shiva Kumar, for R4

ORDER

This Writ Petition is filed challenging the show-cause notice, dated 22.11.2011 directing the writ petitioner to show cause as to why the regularisation of the petitioner should not be cancelled.

2. Pending the Writ Petition, the batch of identically situated Writ Petitions in W.P.Nos.21440 of 2015 etc., (batch cases) came to be disposed of by the order, dated 19.02.2021 on the following terms :-

" *37. In view of the above discussion, all the Writ Petitions are disposed of with the following directions:*



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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.*

Accordingly, the batch of writ petitions are disposed of. No costs. Consequently, all the connected miscellaneous petitions are closed."



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3. As a matter of fact, in the consolidated chart which was filed by the respondent Government in the batch cases, the petitioner's case is also mentioned at Serial No.6 and even as per the view of the respondent Government, G.O.(MS) No. 86, dated 12.03.2001 is attracted and the petitioner was appointed in the sanctioned post and there was only irregularity in the appointment of the petitioner and not illegality. Therefore, based on the above order passed in the connected Writ Petitions, the petitioner is also entitled to similar benefits.

4. In the result, this Writ Petition is allowed. The show-cause notice, dated 22.11.2011 shall stand quashed. It is also pointed by the learned Counsel for the petitioner that in view of the status *quo* order being granted pending the Writ Petition, the petitioner was not granted the usual applicable benefits of pay fixation etc., which were granted to the similarly situated employees. If that be the case, the consequential benefits that should follow on account of the quashment of the show-cause notice, shall be granted to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.



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Index : yes
Speaking order
Neutral Citation : no
grs

To

1. The Secretary to Government,
Co-Operation, Food and Consumer
Protection Department,
Fort. St. George,
Chennai - 9.
2. The Registrar of Co-Operative Society,
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Kilpauk,
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Police Department Employees Cooperative
Thrift and Credit Society,
Perambalur.
5. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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