



W.P.(MD)No.26987 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD)No.26987 of 2019**

C.Kumarasamy

... Petitioner

vs.

1.The Regional Deputy Registrar,  
Pudukottai District.

2.The President,  
MM-366 Kuzhiyanvidhuthi,  
Primary Agriculural Co-operative  
Credit Society,  
Kuzhiyandividuthi,  
Pudukottai District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 2<sup>nd</sup> respondent to disburse the salary due to the petitioner from the date of promotion as Attender, ie., 01.07.2014 in lieu of G.O.Ms.No.137, dated 09.11.2015,



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W.P.(MD)No.26987 of 2019

issued by Co-operatives, Food and Consumer Protection Department.

|                |                                                        |
|----------------|--------------------------------------------------------|
| For Petitioner | : Mr.H.Arumugam                                        |
| For R1         | : Mr.K.S.Selvaganesan<br>Additional Government Pleader |
| For R2         | : No appearance<br>*****                               |

### **ORDER**

This writ petition is filed for writ of Mandamus, to direct the 2<sup>nd</sup> respondent to disburse the salary due to the petitioner from the date of promotion as Attender, i.e., 01.07.2014 in lieu of G.O.Ms.No.137, dated 09.11.2015, issued by Cooperatives, Food and Consumer Protection Department.

2. The petitioner was pursuing Diploma in Cooperative Management in the year 2012-2013, but was appointed on 26.11.1999. Subsequently, the petitioner acquired the qualification of Diploma in Cooperative Management on June 2014. However, the petitioner was not



W.P.(MD)No.26987 of 2019

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sponsored through employment exchange. The issue of appointing such persons without calling for list from the employment exchange is dealt by another Learned Single Judge of this Court in W.P.Nos.21440 of 2015 and batch, wherein this Court 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 who were appointed in various Co-operative Societies by drawing a cut-off dated as 12.03.2001 and out of the same, the lucky 26,000 employees got their services regularized and 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 place employees but bad luck came in their. 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 were huge shift in law with regard to illegal and irregular appointments.*

*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*



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W.P.(MD)No.26987 of 2019

*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."*



W.P.(MD)No.26987 of 2019

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The Learned Single Judge has directed to grant regularization to the persons who are covered under the Justin's case. Following the direction of the Learned Single Judge, the Government has also issued, Circular No.7 dated 09.09.2021. If the circular and the above said judgment is applied to the petitioner's case, the petitioner is entitled to regularization from the date of the initial appointment.

3. When the government has taken a policy decision, then the petitioner is also entitled to regularization in the light of the order passed in W.P.Nos.21440 of 2015 and batch, the Government has also issued Circular No.7, dated 09.09.2021.

4. Therefore, the respondents are directed to regularize the petitioner and grant all applicable salary including promotion and this direction shall be complied within a period of four weeks from the date



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W.P.(MD)No.26987 of 2019

of receipt of the copy of the order.

5. With the above said observation, the writ petition is allowed. No

costs.

Index : Yes / No

**23.06.2023**

Internet : Yes

NCC : Yes / No

Tmg

To

The Regional Deputy Registrar,  
Pudukottai District.



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W.P.(MD)No.26987 of 2019

**S.SRIMATHY, J**

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W.P.(MD)No.26987 of 2019

23.06.2023