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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

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THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.Nos.29135, 29136 & 29137 of 2010
and M.P.Nos.1 of 2010 (03 Nos)

W.P.No.29135 of 2010

M. Ravichandran

... Petitioner

-Vs-

1. The Registrar of Co-operative Societies,
N.V.N.Maaligai, Kilpauk,
Chennai 600 010.

2. The Co-operative Registrar,
(Sales Scheme and Development)
Office of the Registrar of Co-operative Societies,
N.V.N.Maaligai, Kilpauk,
Chennai 600 010.

3. S.423, Irulapatty Primary Agricultural
Co-operative Credit Society,
Rep.by its Special Officer,
Irulapatty Village and Post,
Pappireddipatty Taluk,
Dharmapuri District.

... Respondents

Prayer in W.P.No.29135 of 2010 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the 2nd respondent dated 12.10.2010 in Na.Ka.No.16910/2010/Sa.Pa.1 and quash the same and



consequently direct the respondents to regularise the services of the petitioner in the 3rd respondent Society as Salesman with effect from the date of regularisation of the Juniors to the petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.Abishek Murthy
Government Advocate for R1 & R2
Mr.A.Arumugam for R3

W.P.No.29136 of 2010

S. Sekar

... Petitioner

-Vs-

1. The Registrar of Co-operative Societies,
N.V.N.Maaligai, Kilpauk,
Chennai 600 010.

2. The Co-operative Registrar,
(Sales Scheme and Development)
Office of the Registrar of Co-operative Societies,
N.V.N.Maaligai, Kilpauk,
Chennai 600 010.

3. C.2562 Kudiattam Primary Agricultural
Co-operative Credit Society,
Rep.by its Special Officer,
Nellure Pettai,
Kudiattam Post & Taluk,
Vellore District.

... Respondents

Prayer in W.P.No.29136 of 2010 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the 2nd respondent dated 27.10.2010 in Na.Ka.No.88296/2010/Sa.Pa.1 and quash the same and consequently direct the respondents to regularise the services of the petitioner



regularisation of the Juniors to the petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.Abishek Murthy
Government Advocate for R1 & R2
Mr.A.Arumugam for R3

COMMON ORDER

These writ petitions are filed to call for the records relating to the order of the 2nd respondent dated 27.10.2010 & 12.10.2010 respectively in Na.Ka.No.16910/2010/Sa.Pa.1, Na.Ka.No.88296/2010/Sa.Pa.1 & Na.Ka.No.53502/2010/Sa.Pa.1 respectively and quash the same and consequently direct the respondents to regularise the services of the petitioners in the 3rd respondent Society as Salesman with effect from the date of regularisation of the Juniors to the petitioners.

2. Heard both sides and perused the materials available on record.

3. In all these three writ petitions, the petitioners challenge the impugned orders refusing to regularise them in service. Both side learned counsels would submit that the issue in question has been considered in detail by this Court in W.P.Nos.21440 of 2016 etc., dated 19.02.2021 and the operative portion of the order at paragraph No. 37 is extracted as hereunder:-



"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 regularisation 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 regularisation; and

e. The benefit of regularisation 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".

4. It is seen that the issue has already been decided and the Co-ordinate Single Bench has directed to grant the benefits of regularisation in cases where the respective petitioners have the educational qualification and appointed in sanctioned posts within the cadre strength and in regular scale of pay and those of whom who have satisfied the substantial/mandatory qualification, while directing that any irregularity such as calling for the name from the employment exchange etc., should not be put against them while granting the benefit of regularisation.



5. It is brought to the notice of this Court that already the Government has also filed an appeal as against the order of the learned single Judge in W.A.No.2699 of 2022. It is seen that even though notice has been issued in the matter, no interim order has been passed as on date. Therefore, the said order which is passed in an identical facts and circumstances would govern the fact situation of the instant case also.

6. Therefore, without going into the merits of the case, the matter is ordered in terms of the Order dated 19.02.2021 in W.P.No.21440 of 2016 etc and the 1st respondent is directed to reconsider the matter in terms of paragraph No.37 of the Order which is extracted as above. The said exercise shall be carried out within a period of three months from the date of receipt of a copy of this order.

7. With the above observations and direction, the writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

28.02.2024

Index : Yes/No

Speaking order/Non-speaking order



Neutral citation : Yes/No
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W.P.Nos.29135, 29136 & 29137 of 2



D. BHARATHA CHAKRAVARTHY, J.

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