



WEB COPY

W.P.No.29333 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.29333 of 2010

and

M.P.No.1 of 2010

S.N.Elumalai

... Petitioner

Vs.

1.The Joint Registrar of Co-operative
Societies/Revisional Authority
Thiruvannamalai.

2.H.H.539, Marudhadu Primary Agricultural
Co-operative Bank Ltd.
Rep. by its Special Officer,
Marudhadu Post,
Vandavasi Taluk,
Thiruvannamalai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 1st respondent dated 09.09.2010 in Na.Ka.No.12860/2009 Sa.Pa and in Revision Petition No.18 of 2009 Sa.pa and quash the same and consequently direct the respondents to forthwith reinstate the petitioner in service as salesman with all monetary and attendance benefits.



For Petitioner : Mr.K.Selvaraj
For R1 : Mr.S.Ravikumar
Special Government Pleader.
For R2 : Ms.C.K.Vishnu Priya

ORDER

The petitioner herein, who was appointed as Salesman by the 2nd respondent Society, was removed from service after being afforded an opportunity, on the ground that his appointment was not made in accordance with the provisions contained in Rule 149, 150 and 151 of Tamil Nadu Co-operative Societies Rules, 1988. Aggrieved by the said order of removal from service by way of termination dated 27.06.2002, the petitioner filed revision petition before the respondent No.1 under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 contending that the petitioner is entitled for the benefit of orders issued by the Government in G.O.Ms.No.86, Co-operation, Food and Consumer Protection Department, dated 12.03.2001 as well as the orders passed by a learned Division Bench of this Court in W.A.Nos.2501 & 2502 of 2001 dated 24.10.2002. However, on rejection of the said revision petition, the petitioner approached this Court by filing the present writ petition by placing reliance on G.O.Ms.No.86, dated 12.03.2001 and the decision of the learned Division Bench in W.A.Nos.2501 and 2502 of



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2001 dated 24.10.2002. However, when the matter is taken up for consideration, it is brought to the notice of this Court that the said Government Order bearing G.O.Ms.No.86 dated 12.03.2001 was found fault by the Hon'ble Apex Court in the case of ***A.Umarani Vs. Registrar, Cooperative Societies and others*** reported in ***(2004) 7 SCC 112*** holding that, it is impermissible for the State to direct regularization of service of employees of the Cooperative Societies, and refused to uphold the said Government order on that ground and also refused to consider the contention that the employees have been working in the Cooperative Societies for a long lapse of time.

2. Further, the very same aspect also appears to have fallen for consideration before a coordinate bench of this Court in W.P.No.21440 of 2015 and batch, and the learned Judge, by an order dated 19.02.2021 laid down certain guidelines under which the services of the employees working in Co-operative Societies can be regularized. Paragraph No.37 of the said order reads as under:

“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



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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.”

A perusal of the material on record discloses that the petitioner herein does not satisfy any of the conditions laid down by the learned Judge in the above order.



3. In the light of the above, the claim of the petitioner in this writ petition is unsustainable, and this Court does not find any error or illegality in the impugned orders passed by the respondents 1 and 2. Accordingly, the writ petition is dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

20.12.2024
(3/3)

dpa

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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Societies/Revisional Authority
Thiruvannamalai.

2.The Special Officer,
H.H.539, Marudhadu Primary Agricultural
Co-operative Bank Ltd.
Marudhadu Post,
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MUMMINENI SUDHEER KUMAR, J.

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