



WP(MD)No.29736 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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- 1.T.Mary Geetha
- 2.S.Evangelin
- 3.Flower Hilda
- 4.A.Amaladas
- 5.C.J.Little Flower
- 6.S.Mary Mirandas
- 7.S.Sahaya Rani
- 8.C.Roselin
- 9.M.P.Mary Medilta
- 10.V.Mary Ivi
- 11.Inba Yesu Rajan
- 12.J.Minila Jose
- 13.Sugirtha

.. Petitioners



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v.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Secretariat,
Chennai – 600 009.
2. The Registrar of Co-operative Societies,
N.V.Natarajan Maaligai,
No.170, Periyar EVR High Road,
Kilpauk, Chennai – 600 010.
3. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department,
Secretariat,
Chennai – 600 009.
4. The Director of Fisheries,
3rd Floor, Integrated Office Complex of Animal
Husbandry and Fisheries Department,
No.571, Nandanam,
Chennai – 600 035.
5. The Deputy Director of Fisheries of
Kanyakumari District,
Vadasery, Nagercoil – 629 001,
Kanyakumari District.
6. The Assistant Director of Fisheries,
Kadiyapattanam – 629 252,
Kanyakumari District.



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7.The Assistant Director of Fisheries,
No.5/75-A, Vivekanandapuram Vadakku Theru,
Kanyakumari – 629 702,
Kanyakumari District.

8.The Assistant Director of Fisheries,
Colachel – 629 252,
Kanyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 3 to 8 to implement the order passed in G.O.Ms.No.86, Co-operation, Food and Consumer Protection Department, dated 12.03.2001, G.O.(D)No.289, Co-operation, Food and Consumer Protection Department, dated 28.09.2007 and the second respondent's orders / circulars dated 21.08.2008, 01.10.2009, 14.09.2011 (2 orders), 31.08.2012, 09.09.2021, 09.11.2022 and to regularize the services of the petitioners with effect from 12.03.2001, grant time scale of pay and pay fixation and DA & HRA with effect from 01.08.2008, increments, Selection Grade, Promotion, Earned Leave and Encashment of Earned Leave and to disburse the monetary benefits and to grant other service benefits, viz., Retirement / Terminal benefits, gratuity, appointment on compassionate, et., within a stipulated time limit.



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For Petitioners : Mr.S.Suresh Kumar
For Respondents : Mr.A.Baskaran,
Additional Government Pleader

ORDER

The petitioners are working as Clerk / Salesman / Packers in the fair price shops run by the Fishermen Co-operative Societies in Kanyakumari District and they have filed this writ petition seeking a mandamus directing the respondents 3 to 8 to comply with G.O.Ms.No.86, Co-operation, Food and Consumer Protection Department, dated 12.03.2001 and G.O.(D)No. 289, Co-operation, Food and Consumer Protection Department, dated 28.09.2007 and to grant time scale of pay within a stipulated time frame.

2.Learned Counsel for the petitioners submitted that the petitioners have been appointed by the respective Societies in between 09.07.1980 and 11.03.2001 and according to the learned Counsel, they have put in 23 years of service and more. However, they have not been sponsored through the employment exchange. By relying on the above Government Orders, the



learned Counsel submitted that similarly placed persons have filed writ petitions before this Court and based on the orders of this Court, those similarly placed persons were regularized, granted time scale of pay, provided with increments and all other terminal benefits. However, the petitioners, who are also similarly placed, have not been considered for the said reliefs, since they have not filed any writ petition then. Therefore, he prayed for appropriate orders.

3.Learned Additional Government Pleader submitted that the petitioners have not made any individual representation and based on the representation given by the Association, this writ petition has been filed.

4.This Court considered the rival submissions made on either side and perused the materials placed on record.

5.The petitioners are claiming that they have been appointed in the respective Societies, allowed to work for more than 23 years and similarly placed persons were provided with benefits based on the abovesaid



Government Orders. Therefore, they sought for extending the relief to them as well.

6.Considering the nature of relief sought for, this Court is inclined to dispose of the writ petitions, as under:-

i) The petitioners shall submit individual representations, expressing their grievance, within a period of four weeks from the date of receipt of a copy of this order to the respective respondents;

ii) The concerned respondent, on receipt of the representation, shall take a decision in accordance with law and on merits, within a further period of three months therefrom.

7.Instead of filing a detailed counter affidavit, the respondents can take a decision on the request made by the petitioners and pass appropriate orders on the representation of the petitioners. It is made clear that this Court has not expressed anything on the merits of the petitioners claim and it is for the respondents to take a just and reasonable decision, on merits and in accordance with law.



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In fine, this writ petition stands disposed of. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
gk

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7.The Assistant Director of Fisheries,
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