



W.P.(MD).No.30386 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.30386 of 2023

Paramasivam

... Petitioner

Vs.

1.The Join Registrar,
(Co-operative Department),
District Recruitment Office,
Virudhunagar District.

2.The Deputy Registrar,
Co-operative Societies,
Srivilliputhur,
Virudhunagar District.

3.The President,
A.Ramalingapuram Primary Agricultural
Co-operative Society,
(SP.SPL.66),
A.Ramalingapuram, Sathur Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service from the date of the petitioner's appointment on 08.05.2010 on the basis of the petitioner's representation, dated 21.10.2022.



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For Petitioner : Mr.S.Baskar Mathuram

For R1 & R2 : Mr.R.Ragavendran
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to regularize the petitioner's service from the date of the petitioner's appointment on 08.05.2010 on the basis of the petitioner's representation, dated 21.10.2022.

2. The petitioner was appointed as a Jewel Appraiser on 08.05.2010 with the 3rd respondent Society. So far, he has completed 13 years and 7 months of service in the 3rd respondent Society without any interruption. On 01.12.2014, he was allotted with the additional charge of Salesman work at free and fair ration shop at Kathalampatti under the control and management of the 3rd respondent Society. In the interregnum period from 01.12.2014 till date, the petitioner has done both the works including Jewel Appraiser as well as Salesman. He was not paid with salary till 24.04.2015 for the work of Salesman. Thereafter, the 3rd respondent Society started paying the monthly salary of Rs.4,000/- for his additional work of Salesman from 26.04.2015 as per



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the resolution of the 3rd respondent Society, dated 26.04.2014. However, so far his service was not regularized in contravention of service rule which mandate the regularization of service on completion of 280 days. On 21.10.2022, the petitioner made a representation to the 1st respondent seeking to regularize his service from the date of his appointment in the 3rd respondent Society. The 1st respondent assured him to regularize his service vide proceedings, dated 10.11.2022. While so, the 3rd respondent has also sent a letter, dated 27.08.2013 to the 2nd respondent appreciating his dedicated work along with recommendation to regularize his service. Lastly on 30.10.2023, the petitioner had made a representation seeking regularization. However, the same was not considered. Hence, this writ petition came to be filed.

3. The learned Government Advocate appearing for the respondents submits that the petitioner has joined service only on 08.05.2010 and seeking regularization relying on G.O.Ms.No.86 Co-operation, Food and Consumer Protection Department, dated 12.03.2001 and the same is not applicable. Hence, he prayed for dismissal of the writ petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to



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consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Considering the limited scope of the relief sought for in this petition, without going into the merits of the case, this Court directs the respondents to consider the petitioner's representation, dated 30.10.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

29.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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- To
- 1.The Join Registrar,
(Co-operative Department),
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 - 2.The Deputy Registrar,
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L.VICTORIA GOWRI, J.

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