



W.P.No.21054 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.21054 of 2012
and W.M.P.No.34786 of 2016

A.Tamilselvan

... Petitioner

-VS-

- 1.The Secretary to Government,
Co-operative Food and Consumer
Department, Fort St. George,
Chennai 600 009.
- 2.The Special Officer,
Kollimalai Hills Co-operative
Society, Semmedu Post,
Kollimalai, Namakkal District.
- 3.The Registrar of Co-operative Societies,
No.170, E.V.R.Salai, Kilpauk,
Chennai 600 010.
- 4.The Joint Registrar of Co-operative
Societies (Additional Incharge),
No.170, E.V.R.Salai, Kilpauk,
Chennai 600 010.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in Appeal No.9055/2008 S.P dated 15.06.2009 and also the consequential proceedings of the 3rd respondent in Na.Ka.No.78796/2011 C.T.A.3 dated 25.10.2011 and to quash the same and direct the respondents to refix the salary in consonance with the order passed in W.P.No.3891 of 1995 dated 07.04.1999.

For Petitioner : Mr.K.K.Senthilvelan, Senior counsel

For Respondents : Mr.M.Muthusamy,
1, 3 & 4 Government Advocate

For Respondent 2 : Mr.M.Thirumoorthy
for Mr.L.P.Shanmugasundaram

ORDER

This writ petition has been filed for grant of scale of pay with effect from the year 2001, which was negatived by the respondent by



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passing the impugned order and the same was also confirmed by the Appellate Authority.

2. Heard Mr.K.K.Senthilvelan, learned senior counsel, appearing for the petitioner and Mr.M.Muthusamy, learned Government Advocate, appearing for the respondents 1, 3 and 4 and Mr.M.Thirumoorthy, learned counsel, appearing for the second respondent.

3. It is brought to the notice of this Court, that a Co-ordinate Bench of this Court under similar circumstances while disposing of W.P.No.21440 of 2015 and batch, by a common order dated 19.02.2021, issued certain general directions in paragraph 37 and the same 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 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."

In terms of the above directions issued by the Co-ordinate Bench of this Court, especially point (e) of the said order, shows that the benefit of the said order was directed to be extended to all those employees, who are similarly placed, even though they have not knocked the doors of this Court.

4. In terms of the above said directions, the respondents are under obligation to consider the case of the petitioner for grant of regular pay with effect from the year 2001. Though the writ appeals are said to be filed against the order dated 19.02.2021 passed by the Co-ordinate Bench of this Court, no stay was granted. In the said circumstances, as the claim of the petitioner herein is also identical to the claim of the petitioner in the above said batch of writ petitions, the case of the petitioner herein is required to be considered, without



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reference to the impugned order, in the light of the order dated 19.02.2021 passed in W.P.No.21440 of 2015 and batch.

5. In view of the above, the writ petition is disposed of directing the fourth respondent to re-consider the claim of the petitioner for grant of regular scale of pay with effect from the year 2001 on par with similarly situated persons duly taking into consideration the order dated 19.02.2021 passed by this Court in W.P.No.21440 of 2015 and batch and pass appropriate orders as expeditiously as possible within a period of *eight weeks* from the date of receipt of a copy of this order. No costs. Consequently, the connected W.M.P.No.34786 of 2016 is closed.

20.01.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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MUMMINENI SUDHEER KUMAR,J.

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