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W.A.No.1926 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

W.A.No. 1926 of 2025
and CMP No.14692 of 2025

1. The Joint Registrar of Co-operative Societies,
Villupuram Region,
Villupuram, Villupuram District.
 2. The Deputy Registrar of Co-operative Societies,
Tindivanam Circle, Tindivanam,
Villupuram District.
- ... Appellants

Vs.

1. P. Gopalakrishnan
 2. The President,
F.V.95, Tindivanam Educational District
Teaching and Non-Teaching Employees
Co-operative Thrift and Credit Society,
Kidangal-1, Tindivanam Taluk,
Villupuram District.
- ... Respondents



Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in WP No.12110 of 2014 dated 19.07.2024.

For Appellants : Mr.R.Neelakandan, AAG
Asst. by Dr.G.Suriya, AGP

For Respondent : Mr. C.Prakasam

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge is to the order of the learned Single Judge dated 19.07.2024 made in WP No.12110 of 2014.

2. The pay fixation made on 13.09.2013 bringing the respondent under regular time scale of pay with effect from 09.02.2007 was the subject matter of challenge in the Writ Petition. The respondent, who was irregularly appointed in the Co-operative Society, was regularised based on G.O.Ms.No.86 dated 12.03.2001. The order of regularisation was passed on 09.02.2007. However, the respondents issued separate proceedings in the



year 2013 fixing his salary in the time scale of pay with effect from 09.02.2007.

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3. It was the contention of the respondent before the Writ Court that once he has been regularised with effect from 12.03.2001 by order dated 09.02.2007. A subsequent clarification issued by the Government cannot be a ground to refuse salary to him for the period between 12.03.2001 and 09.02.2007. The Writ Court accepted the submission of the respondent and allowed the Writ Petition directing payment of salary from 12.03.2001. It is this order which is subject matter of challenge before this Court.

4. Mr.Neelakandan, learned Additional Advocate General would submit that the regularisation order dated 09.02.2007 was subject to the conditions mentioned in G.O.(Ms).No.86 and the subsequent clarification made on 30.08.2007. Reliance is also placed on the order of the Division Bench dated 07.09.2021 made in Writ Appeal No.1990 of 2019, read with order in Review Petition dated 14.10.2024. The order regularising the respondent is dated 09.02.2007 and it is specifically states that the



respondent services would be regularised from 12.03.2001 subject to conditions mentioned in G.O.Ms.No.86 dated 12.03.2001.

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5. G.O.Ms.No.86 is an enabling Government Order which empowers the Registrar of Co-operative Societies to regularise irregular employees recruited between 08.07.1980 and 12.03.2001 in Co-operative Societies. Para 3 of the said G.O. specifically states that those employees who have been irregularly appointed without going through the Employment Exchange will be regularised if they have completed 480 days of service in two calendar years as per the Tamil Nadu Industrial Establishment (Conferment of Permanent Workmen Status) Act, 1981. It is pursuant to this Government Order that the regularisation happened. A subsequent clarification issued on 30.08.2007 cannot take away the benefit of regularisation which was granted to the respondent before the issuance of the said circular.

6. The order in the Writ Appeal No.1990 of 2019 dated 07.09.2021 was based on the consent affidavit filed by the employees. Therefore, that



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cannot form a precedent for deciding the rights of the respondent. Hence we are unable to fault the Writ Court, for having allowed the Writ Petition, the Writ Appeal fails and it is accordingly **dismissed**. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
17.07.2025

jv

Internet : Yes
Index : No
Neutral Citation : No
Speaking Order

To

1. The Joint Registrar of Co-operative Societies,
Villupuram Region,
Villupuram, Villupuram District.
2. The Deputy Registrar of Co-operative Societies,
Tindivanam Circle, Tindivanam,
Villupuram District.

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3. The President,
F.V.95, Tindivanam Educational District
Teaching and Non-Teaching Employees
Co-operative Thrift and Credit Society,
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R.SUBRAMANIAN, J.
and
K.SURENDER, J.

jv

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