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W.P.No.23685 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.23685 of 2024

and

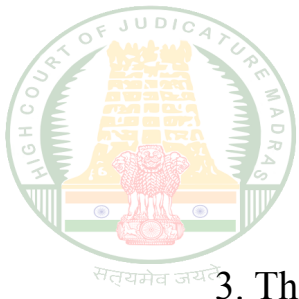
W.M.P.Nos.25914 and 25916 of 2024

1. E.Stanley Justin Paulraj
2. S.Palanisamy
3. P.Chandra
4. R.Arockiaraj
5. P.Kumar

... Petitioners

Vs.

1. The Registrar of Cooperative Societies,
NVN Maaligai,
No.170, E.V.R. Periyar Salai,
Kilapuk, Chennai 600 010.
2. The Additional Registrar/
Managing Director,
Tamil Nadu Cooperative Union,
No.170, E.V.R.Periyar Salai,
Kilpauk, Chennai 600 010.



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3. The State of Tamil Nadu

Rep by its Secretary,
Cooperation, Food and Consumer Department,
Fort St.George, Chennai 600 009.

4.Dr.N.Subbian, I.A.S.,
Registrar of Cooperative Societies,
NVM Maaligai,
No.170, E.V.R.Periyar Salai,
Kilplauk, Chennai 600 10.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records relating to the order of the 1st respondent made in Na.Ka.No.36779/2021/thi.ka.ku.Pa.1 dated 05.06.2024 being communicated through the 2nd respondent vide proceedings in Na.Ka.No. 194/2022/A1 dated 07.06.2024 to quash the same and to consequently direct the respondents to forthwith extend the benefit of time scale of pay as had been extended to all other similarly placed persons.

For Petitioners : Mr.L.Chandrakumar
For Respondents : Mrs.M.Geetha Thamarai Selvan,
1 and 3 Special Government Pleader
For Respondent-2 : Mr.M.Rajendran
For Respondent-4 : Served-No appearance

ORDER



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The petitioners seek the issuance of certiorarified mandamus to call for and quash the order of the 1st respondent dated 05.06.2024 and consequently direct the respondents to extend the benefit of time scale pay to the petitioners.

2. The short facts which lead to the filing of the above writ petition are herein below set out:

(i) The petitioners were appointed as non-teaching staffs of Lalgudi Cooperative Polytechnic College functioning under the 2nd respondent-Union on the basis of a Notification calling for selection on various dates and posts. The 1st petitioner was appointed as Store Keeper on 15.02.1999, the 2nd petitioner as Assistant on 22.12.1999, the 3rd petitioner as Typist on 10.03.2001, the 4th petitioner as Classroom Attender on 31.01.2000 and the 5th petitioner as Store Assistant on 01.12.1998. The initial appointment was made to a sanctioned vacancy and also with reference to relaxation in respect of the method of appointment.



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(ii) The petitioners would submit that they have been discharging their duties for the past 22 years without any blemish. The respondent, in an arbitrary and biased manner, had been granting the benefits of time scale of pay to certain persons of their choice who have also been appointed in the same manner as the petitioners. However, the petitioners have not been granted this benevolence.

(iii) The Government had issued a policy decision vide G.O. dated 12.03.2001 to regularize the services of irregular appointments made on or before that date. Pursuant to the said G.O, many persons were granted and extended the time scale of pay. Though the petitioners appointment was issued termed “irregular”, they had been initially granted the consolidated pay of Rs.8,500/- which was gradually increased to a sum of Rs.17,000/- per month. The petitioners would submit that the Additional Registrar of Cooperative Societies, in consultation with the Government, had issued orders in his letter No.R.C.No.92088/2008/SS3 dated 21.08.2008 directing all



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Additional Registrars to extend the benefits of the time scale of pay to such employees, including those without any legal status. The clause clearly provided that by extending the benefit of the time scale the petitioners would not be entitled to any service benefits, however, they would be entitled to other benefits like, time scale of pay, medical reimbursement, dearness allowance, encashment of leave, medical leave, earned leave, retirement benefits and opening of service registers and maintenance etc on par with the regular employees and they are not entitled to be regularized. The petitioners had been making several representations to the respondents requesting them to extend the benefits to them.

(iv) On 02.09.2019, the petitioners had jointly submitted a representation to the respondents to grant them the benefit of scale of pay as per the letter of the Additional Registrar of Cooperative Societies dated 21.08.2008. Since the representation was not considered, the petitioners had filed W.P.No.35145 of 2019 and by order dated 18.12.2019, this Court had directed the 2nd respondent to

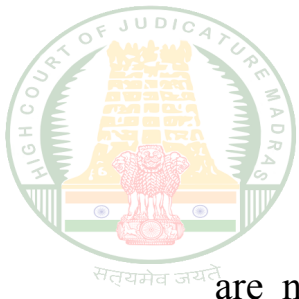


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consider the representation and pass orders. Thereafter, the 2nd respondent, by proceedings dated 09.10.2020, had rejected the claim of the petitioners.

(v) Challenging the said order, the petitioners had preferred an appeal before the 1st respondent which was not taken up for consideration. Therefore, the petitioners had once again filed W.P.No.12622 of 2021 before this Court seeking a direction to the 1st respondent to pass orders. The writ petition was allowed and by order dated 23.09.2021, this Court had directed the 1st respondent to pass orders on the appeal. On 07.07.2022, the 1st respondent had directed the 2nd respondent to take into account the guidelines and the Rules for the purpose of grant of benefits and set aside the order dated 09.10.2020 and also re-examine the same in the light of the order passed in W.P.No.35145 of 2019 dated 18.12.2019. Since the 2nd respondent did not pass orders on remand, a contempt petition in C.P.No.2890 of 2022 was filed. Instead of granting the benefits, the 2nd respondent had forwarded a proposal holding that the petitioners



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are not entitled to the claim and placed the papers before the 1st respondent for appropriate orders only with a view to get over the contempt proceedings. However, by impugned order, the request of the petitioners were rejected and hence, the petitioners are before this Court.

3. The ground on which the request was rejected is that the petitioners have been employed on contract basis and therefore, the Government Order would not apply to them. They have been initially appointed on contract basis and thereafter, treated as outsourced employee. Therefore, they are not entitled to the benefit of the time scale pay.

4. A counter affidavit has been filed by the respondents 1,3 and 4 denying the claim of the petitioners. They would submit that the petitioners are not employees of the 2nd respondent-Union and not on their pay-roll. The fixation of time scale granted to three others cannot be equated with the case of the petitioners as the facts are entirely different. They had refuted the various allegations made in



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the affidavit filed in support of the writ petition.

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5. The 2nd respondent Union had also more or less adopted the counter of the respondents 1,3 and 4

6. Heard the learned counsels on either side and perused the materials available on record.

7. The petitioners seek the time scale of pay on the basis of a Government Circular dated 21.08.2008. Under this circular, all irregular employees recruited between 08.07.1980 and 12.03.2001 on daily wages or consolidated pay were extended the benefits. The relevant portion of the circular would read as follows:

“It is seen from the reports received from Regional Joint Registrar that of the employees of cooperative societies who are not regularized, majority are already getting their time scale of pay and a section of employees are wither on consolidated pay or on daily wages. Some of the



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Joint Registrars in their reports have requested that the irregular employees recruited between 8~7~80 and 12~3~2001 and who are already on daily wages or on consolidated pay, may also be give time scale of pay as a majority of the irregular employees recruited in the same period are getting their pay on time scale. Such a move would motivate them for better working efficiency. Also, such a positive move is expected to dispel the discrimination in the minds of the employees and set them prepared on the path of enhanced development of the Cooperative in which they work.

2) The above request of the Joint Registrars were examined in detail and after careful examination of the issue, it is decided to allow the management of cooperative institutions of fix time scale of pay to the irregular employees, recruited prior to 12~3~2001 and whose services were not regularized, subject to the following conditions:~

(a)The employees getting time scale as per this move will not demand parity with regular employees.

(b)This will not confer regularization in the post



and consequent benefits such as seniority, promotion etc., -

(C).The employees getting time scale now as per this order will continue to be treated as ?irregular employees? and will be governed by such rules as applicable for this category.

(d)Clauses like parity with ?Junior getting more pay“ will not be applicable in these cases.

(e)The irregular employees getting time scale of pay shall not be entitled to claim, any higher salary or weightage for any reasons whatsoever.

(f) Giving time scale of pay to the irregular employees shall not confer on them any legal status and they are liable to be terminated at any time if the situation so warrants.

(g) Irregular employees getting time scale of pay shall not be legally entitled to claim any service benefits.

(h)Their pay shall be fixed in the minimum of time scale of pay applicable to the category of post to which such irregular employees was appointed initially.

(i) While fixing scale of pay to the irregular



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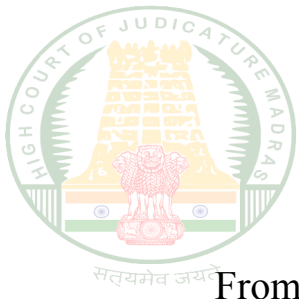
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employee, the scale of pay for the category of post in which such employee was appointed initially shall be strictly as per Government orders or Registrar/Joint Registrar instructions in force and higher scale of pay as per 12(3) settlement or 18(1) agreement if any shall be ignored.

(j) The fixation of time scale of pay shall take effect from 1~8~2008. cases.

3) The management of Cooperative Societies before fixing time scale as per the instructions above shall get an undertaking in writing from the employee concerned that he will strictly abide by the conditions stipulated above.

4) The Regional Joint Registrars are requested to bring the contents of this letter to the management of cooperative societies coming under their administrative control and ensure that this work is completed before 30~9~2008. They should also send a completion report on or before 5th October 2008 in the format enclosed.-



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From a reading of the above, it is clear that employees appointed under the daily wages, who are on consolidated pay and whose appointments were irregular, were to be considered as a one time measure. They had to be extended the benefit of time scale of pay.. The grant was also subject to conditions which have been extracted supra. Admittedly, all the petitioners have been appointed prior to 12.03.2001. It is clear from the counter filed by the respondents themselves that they have all been appointed as daily wage employees. In the tabulated statement provided in the counter affidavit filed by both the 2nd respondent as well as respondents 1, 3 and 4, it is clearly seen that the petitioners had been appointed on daily wages from the date of their initial appointment till 30.06.2008 much after the issuance of the Circular dated 12.03.2001. Therefore, the petitioners fall within the criteria stipulated in the said circular. The impugned order has been passed on the ground that the petitioners were contract labourers, which fact clearly flies on the face of the very counter of the respondents. Therefore, the impugned order deserves to be set aside and is accordingly set aside.



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8. Therefore, the Writ Petition is allowed and the respondents are directed to extend the benefit of the time scale of pay to the petitioners, subject to the conditions imposed in the circular dated 21.08.2008 within a period of 3 months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

11.08.2025

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To

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2. The Additional Registrar/
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3. The Secretary,
State of Tamil Nadu
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P.T.ASHA, J.,

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W.M.P.No.25914 and 25916 of 2024

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