



W.P.Nos.34153 of 2024 and 36396 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.34153 of 2024 and 36396 of 2025
and W.M.P.No.40676 of 2025**

W.P.No.34153 of 2024

D.Senthilkumar

... Petitioner

Vs.

- 1.The Secretary to Government,
Department of Co-operation, Food and Consumer Protection,
Secretariat,
Fort St.George,
Chennai-600 009.
- 2.The Registrar of Co-operative Societies,
NVN Natarajan Maligai,
No.170, Periyar E.V.R.High Road,
Kilpauk,
Chennai-600 010.
- 3.The Joint Registrar/Additional Registrar/District Registrar of
Cooperative Societies, Erode Region,
District Cooperative Office Complex,
1st Floor, Mohankumaramangalam Street,
Surampatti,
Erode District-638 009.



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4.The Deputy Registrar of Cooperative Societies,
No.7, Parvathi Nagar,
Jeeva Shed Back Side,
Gobichettipalayam,
Erode District-638 452.

5.The Sub-Registrar/Filed Officer of Co-operative Societies,
Bhavanisagar (Block),
No.7, Parvathi Nagar,
Jeeva Shed Back Side,
Gobichettipalayam,
Erode District-638 452.

6.The Primary Agricultural Co-operative Credit Society,
Rep.by its Secretary/President/Manager,
K 531, Maranur, Senpagaputhur (Po),
Sathyamangalam,
Erode District-638 402.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents herein to regularize the service of the petitioner and grant all attendant benefits thereof within a time frame to be fixed by this Court.

For Petitioner : Mr.G.K.Muthukumar

For Respondents : Ms.M.Geetha Thamaraiselvam
Special Government Pleader
for R1 to R5
Mr.M.S.Palaniswamy for R6



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W.P.No.36396 of 2024

The Management,
K531, Maranur Primary Agricultural Co-operative Credit Society Limited,
Rep.by its Administrator,
Shenbagapudur Post,
Sathyamangalam,
Erode District.

... Petitioner

Vs.

1.The Inspector of Labour,
The Tamil Nadu Industrial Establishments
Conferment of Permanent Status to Workmen) Act, 1981,
Erode.

2.T.Senthilkumar

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the order in Na.Ka.1282/2017 dated 21.06.2017 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Ms.M.Geetha Thamaraiselvam
Special Government Pleader
for R1
Mr.G.K.Muthukumar for R2



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COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they are disposed of by way of this common order.

2. For the sake of convenience, the parties are referred to as workman and the Management.

3. It is the case of the workman that he was appointed as Office Assistant in the Management Society during the year 1999. During December 2006, the Sub-Registrar of the Management recommended the name of the petitioner for regularization to the Joint Registrar of Co-operative Societies, Erode District. The Deputy Registrar of Co-operative Societies, Erode District, also recommended the name of the petitioner for being regularized. According to the workman, he has completed 480 days of continuous working days in a period of two years and therefore, he is entitled to be regularized in the service of the Management. The workman made a series of representations to the Management seeking



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regularization. Since the Management did not pass any order, the workman approached the Labour Court by raising the Industrial Dispute and the Labour Court, vide its order dated 21.06.2017, accepted the case filed by the workman and directed the Management to regularize the service of the workman with effect from 07.05.2000. However, the Management did not comply with the directions issued by the Labour Court, Erode, despite repeated reminders by the workman. It is the case of the workman that he has acquired several educational qualification. In that, he has obtained Post-Graduate in Commerce Degree and has also completed Diploma in MS Office and obtained Certificate from the Tamil Nadu Co-operative Union. While the matter stood thus, this Court, vide order dated 19.02.2021 in W.P.Nos.21440 of 2015 etc., decided the similar issue raised by the workmen employed in various Co-operative Societies through out the State of Tamil Nadu and the relevant paragraphs of the order passed are as follows:-

“ 34. In the case in hand, the Petitioners satisfied the first criteria, i.e., with respect to the educational qualification and cadre strength. The case of the Petitioners lies with respect to non-compliance of procedure as laid by sub-clause (2) of Rule 149.



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Taking cue from the judgment in Kesari's case (cited supra), when the employees satisfy the mandatory qualifications and cadre strength as prescribed by the authorities and had been in continuous service, but had been selected without being sponsored by the employment exchange, the appointment is only irregular and by no stretch illegal. As stated by the Hon'ble Supreme Court in R.N. Nanjundappa (cited supra), only that non-compliance that goes to the root of the appointments made can be termed as illegal. In the present case, the appointment of the Petitioners herein cannot be deemed to be illegal merely on the basis that their appointments were not made through employment exchange.

35. In the view of this Court, the root of appointment herein is the necessary qualifications and sanctioned strength alone that substantially governs the appointments. Once that has been observed, the procedural infirmities can always be cured, the same owing to only an irregularity. The word illegality carries with it a high threshold so as to view something on the face of it as blatant violation or non-observance of which could render the whole process null and void.

36. In fact, the same criteria was applied in the case of 26,000 employees who were earlier regularized by taking into consideration the cut-off date as 12.03.2001. All the Petitioners who satisfy the requirements of paragraph 53 of the judgement in Umadevi's case (cited supra) will be entitled to get their services



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regularized. Considering the length of service put in by the Petitioners for decades together, if they are to be sent out unceremoniously without being regularized in service, that would tantamount to depriving their right to life guaranteed under Article 21 of the Constitution of India, 1950. The Petitioners are not going to receive any extra monetary benefits since they are already being paid the time scale of pay on par with the regular employees. Therefore, there will be no additional financial burden on the Respondents. At the best, the employees who are left with some more years of service will be entitled for promotion and the employees who are at the verge of retirement will be entitled for getting retirement benefits. In short, they will leave the employment with a happy note as regular employees of the Cooperative Societies.

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*



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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.

Accordingly, the batch of writ petitions are disposed of. No costs. Consequently, all the connected miscellaneous petitions are closed.”

4. Armed with this, however the workman has filed W.P.No.34153 of 2024 seeking to regularize his service.

5. Aggrieved by the order of the Labour Court granting regularization, the Management has filed the writ petition in W.P.No.36396 of 2025.

6. Heard both sides and perused the materials available on record.



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7. When the matter was taken up for hearing today, the learned counsel appearing for the workman who fairly submitted that the workman would be satisfied if his service is regularized with effect from 12.03.2001 on par with the directions issued by this Court in a batch of writ petitions.

8. Though the workman has award in his favor, wherein, the Labour Court has directed the Management to regularize the service of the workman with effect from 07.05.2000, the workman has not sought any directions to implement the said award and he has prayed for regularization of his services in a routine manner.

9. This Court has perused the award passed by the Labour Court.

10. On the side of the Management, one witness was examined. The Management side has accepted the case advanced by the workman by producing both oral and documentary evidence. The Labour Court has categorically recorded that the Management has accepted the case of the



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workman. After analyzing the materials produced by the Labour Court, the Labour Court has passed the award regularizing the service of the workman with effect from 07.05.2000. Though the Management has received the award by the Labour Court, still it has chosen not to implement the award and the Management and the workman rushed to this Court to challenge the said award.

11. This Court has perused the affidavit filed by the Management in support of the writ petition filed by it and there is absolutely no convincing cause shown by the Management though an inordinate delay of 7 years to challenge the award passed by the Labour Court. Moreover, the Labour Court has analyzed the entire materials produced before it and come to a conclusion that the workman has made out a case for regularization. Therefore, this Court has no hesitation in rejecting the writ petition filed by the Management.

12. Accordingly, W.P.No.36396 of 2025 filed by the Management is dismissed. Connected miscellaneous petition is closed.



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13. Since the learned counsel appearing for the workman has restricted his claim for regularization with effect from 12.03.2001, W.P.No.34153 of 2024 filed by the workman is disposed of with a direction to the Management to regularize the services of the workman with effect from 12.03.2001 and grant him all monetary and other benefits available to him. There will be no order as to costs.

18.02.2026

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

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M.DHANDAPANI, J.

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