

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.2.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.18338 of 2011

G.Venkatesan

..Petitioner

Vs.

1. The Regional Joint Registrar
Co-operative Societies,
Vellore Region, Vellore.
 2. Vellore District Central Cooperative Bank
Vellore - 1 rep.by its
Special Officer
 3. Koodapattu Primary Agricultural Co-operative
Credit Society, Koodapattu, Rajapalayam Post,
Thirupattur Taluk, Vellore District
Rep.by its Special Officer
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st respondent to consider and pass orders on the representation of the petitioner dated 23.05.2011 requesting for the payment of difference of salary between 14.07.2008 to 13.01.2011 to be paid by the 3rd respondent and also two increments for the year 2009 and 2010 surrender leave payment for the period of 30 days each for two years and also the consequential increments and other emoluments.

For Petitioner : Mr.S.Doraisamy

For R1 : Mr.T.P.Savitha
Government Advocate

For R2 : Mrs.G.Thilakavathi

For R3 : Mr.L.P.Shanmugha Sundaram

O R D E R

This writ petition has been filed by G.Venkatesan, seeking writ of mandamus directing the first respondent to consider and pass orders on the representation of the petitioner dated 23.05.2011 with regard to payment of difference of salary between 14.07.2008 to 13.01.2011, two increments for the year 2009 and 2010, surrender leave payment for the period of 30 days each for two years and also the consequential increments and other emoluments to be paid by the third respondent.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3.

3. Initially, the petitioner was appointed as Assistant in the third respondent Society, namely, Koodapattu Primary Agricultural Co-operative Credit Society, Koodapattu, Vellore District and subsequently, he was promoted to the post of Assistant Secretary and posted in the same Society. The petitioner was receiving a sum of Rs.14,455/- p.m. towards salary. While so, by order dated 10.7.2008, the petitioner was transferred to the second respondent Bank, namely, Vellore District Central Co-operative Bank, on deputation for a period of one year by the second respondent. Accordingly, the petitioner joined in the service of the second respondent on 14.7.2008 as a Cashier. The order of transfer shows that the petitioner was transferred on deputation only for a period of one year. However, he was retained by the second respondent till 13.01.2011 by paying monthly salary of Rs.7,890/-, which is less than the salary received by the petitioner from the third respondent. Therefore, the petitioner has given representation to the first respondent on 23.5.2011 requesting to pay the differential amount. In the said representation, the petitioner has also made a request to clear two increments for the year 2009 and 2010 and also the surrender leave payment for the period of 30 days each for two years and the consequential increments and other emoluments. But the first respondent rejected the request made by the petitioner. Therefore, the petitioner has come forward with this writ petition.

4. Admittedly, the petitioner was paying the monthly salary of Rs.14,455/- by the third respondent before he was deputed to the second respondent. Though the petitioner was transferred to the second respondent Bank on deputation only for a period of one year, he was retained by the second respondent till 13.01.2011 by paying monthly salary of Rs.7,890/-, which is less than the salary received by the petitioner from the third respondent. The request made by the petitioner to pay the difference of salary between 14.7.2008 to 13.01.2011 was rejected by the first respondent, which is absolutely

unjustifiable. The reason is that when the petitioner was working under the third respondent society, the first respondent only transferred him to the second respondent on deputation. Therefore, the second respondent is liable to pay the difference of salary for the period from 14.7.2008 to 13.01.2011. Accordingly, the first respondent is directed to issue suitable order directing the second respondent to pay the difference of salary between the period 14.7.2008 to 13.01.2011, two increments for the year 2009 and 2010, surrender leave payment for the period of 30 days each for two years and also other consequential increments and emoluments along with interest at the rate of 9% per annum. This exercise shall be done within a period of four weeks from the date of receipt of this order.

5. The writ petition is allowed. No costs.

ga

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Regional Joint Registrar
Co-operative Societies,
Vellore Region, Vellore.
2. Vellore District Central Co-operative Bank
Vellore - 1 rep.by its
Special Officer
3. The Special Officer,
Koodapattu Primary Agricultural Co-operative
Credit Society, Koodapattu, Rajapalayam Post,
Thirupattur Taluk, Vellore District.

+ 1 cc to Mr.L.P.Shanmugha Sundaram, Advocate Sr 8810

+ 1 cc to Mr.S.Doraisamy, Advocate Sr 8813

+ 1 cc to Mrs.G.Thilakavathi, Advocate Sr 8786

+ 1 cc to The Govt.Pleader, Sr 8823

KR/31/3/16

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