In the High Court of Judicature at Madras

Dated: 19.01.2017

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The Honourable Mr.JUSTICE P.N.PRAKASH

W.P.Nos.19361 and 19411 of 2003
and
WPMP No.24173 of 2003, WVMP No.1988 of 2003

in W.P.No.19361 of 2003,

WPMP No.24234 and 24235 of 2003 and WVMP No.2207 of 2003

in W.P.No.19411 of 2003

Tansugar Common Cadre Officers Association
Ren. No.1015/CBE,
Rep. By its General Secretary,
Mr.N.Muthuramalingam, Muthu Nagar,
Krishnapuram, 642 111, Udumalpet,
Coimbatore District. [PETITIONER in W.P.19361/2003]

Tamil Nadu Co-Operative and Public Sector Sugar mills, Agricultural madulates Associaltion, rep. By its president p.Sivakumar, Thirutani Co-Operative Sugar Mills ltd, Tiruvalangadu, Tiruvallur-District Petitioner in wp No.19411/2003

Vs

1.State of Tamilnadu,
rep. By its Secretary to Government,
Industries Department,
Fort St.George, Chennai 600 009.

2.The Director of Sugars,
474-Anna Salai,
Nandhanam, Chennai 600 035. [RESPONDENTS in W.P.19361/03]

1.1.State of Tamilnadu,
rep. By its Secretary to Government,
Industries Department,
Fort St.George, Chennai 600 009.

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2.The Director of Sugar,
EVR Periyar Buildings,
690, Anna Salai,
Nandanam,
Chennai 600 035. [RESPONDENTS in W.P.19411/03]

Prayer in W.P.19361/03: Writ petition filed under Article 226 of the constitution of India for issuance of a writ of certiorarified mandamus to call for the records of the second respondent in his proceedings RC.No.6249/S&L.2/2003 dated 25.06.2003 and to quash the same as illegal and consequently direct the respondents to disburse the arrears of Dearness Allowance as per the Government Order in G.O.Ms.No.302 Industries Department dated 25.08.2000.

Prayer in W.P.19411/03: Writ petition filed under Article 226 of the constitution of India for issuance of a writ of certiorarified mandamus to call for the records relating to the communication bearing RC.No.6249/S&L.2/2003 dated 25.06.2003 issued by the second respondent and quash the same in so far as it relates to the Cane Officers and consequently direct the second respondent to maintain the existing scale of pay and grant enhancement in the D.A. By 7% to the Cane Officers.

For Petitioner in W.P.No.19361/03 : Ms.D.Kalaiselvi
For Respondents in W.P.19361/03 : Mr.Vijayaprakashnarayanan Special Government Pleader R1

For Petitioner in W.P.No.19411/03 : Mr.R.Venkatesulu
For Respondents in W.P.19411/03 : Mr.Vjayaprakashnarayanan for R1 Special Government Pleader
M/s.T.Girija for R2 in both cases

C O M M O N O R D E R

Though the petitioners are different in both the writ petitions, the relief claimed by them is one and the same inasmuch as in both the writ petitions, the prayer is for quashing the communication therein RC.No.6249/S&L.2/2003 dated 25.06.2003 issued by the Director of Sugars, Chennai.

2.W.P.No.19361 of 2003 has been filed by Tansugar Common Cadre Officers Association through Advocate Mr.M.Govindaraj (as he then was). Mr.Govindaraj was elevated to the Bench and was

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sworn in as Judge of this Court on 05.10.2016. His elevation was published in all the newspapers despite which, the party has not bothered to contact him and make arrangements for engaging another counsel, however, Ms.D.Kalaiselvi, a former Junior of Justice Mr.M.Govindaraj, had issued a communication to the party in this regard despite which, the party has not contacted her. Therefore, the name of the petitioner has been printed in the cause list.

3.Since the prayer in both W.P.Nos.19361 and 19411 of 2003 are one and the same, this court heard Mr.R.Venkatesulu, Junior of Mr.G.Swaminathan, learned counsel for the petitioner in W.P.No.19411 of 2003 and passed the following order. He has fairly brought to the notice of this court a communication dated 11.01.2017 sent by his client Tamilnadu Sugar Mills Agricultural Crops Association (Crops) which reads as follows:

> "The above Writ Petition was filed against the order of the Director of Sugars bearing Ref.Rc.No.6249/S&L2/2003 dated 25.06.2003 challenging the reduction of pay from Government scale of pay to the Wage Board scale of pay and consequently to pay 7% Government DA for the Cane Officers. However stay was obtained in this writ petition and the Petitioner Association has been paid 7% Da. At the same time, due to the order in I.D.48/2000 wherein the Officers and workers were placed equally by reducing the salary of the officers without hearing the Officers in that I.D. decided by the Industrial Tribunal, Tamil Nadu. Challenging the said order in I.D.48/2000 W.P.No.32770/2009 was filed before the Hon'ble High Court, Madras and the same was allowed by the Hon'ble High Court on 29.08.2013 and the award of the Labour Court was set aside. Now the scale of pay has been revised and proportionate Government DA is being granted as per G.O. MS.68 of 01.03.2011 and the G.O.MS.No.138 dated 27.09.2010. Based on the said G.O. MS.68 dated 01.03.2011 Tamil Nadu Co-operative & Public Sector Sugar Mills Managerial a common cadre system was restored for the Officers working in the Co-operative and Public Sector Sugar Mills. Consequently by virtue of G.O.No.138 of 27.09.2010 for all the managerial category officers revision of 6th Pay Commission Recommendations was implemented by the Government of Tamil Nadu and proportionate scale of pay and allowance have been paid based on the 6th Pay Commission Recommendations. Till date the officers of the petitioner Association are drawing the Government scale of pay and DA on par with the other Government employees. Hence the relief prayed for in the Writ Petition has already been granted and recording the

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statement the Writ Petition can be disposed."

4.In view of the above, these writ petitions have become infructuous and accordingly, they are dismissed as infructuous. No costs. The connected miscellaneous petitions are also dismissed.

sd/
Assistant Registrar

/true copy/

Sub Assistant Registrar

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To
1.State of Tamilnadu,
rep. By its Secretary to Government,
Industries Department,
Fort St.George, Chennai 600 009.

2.The Director of Sugars,
474-Anna Salai,
Nandhanam, Chennai 600 035.

3.The Director of Sugar,
EVR Periyar Buildings,
690, Anna Salai,
Nandanam,
Chennai 600 035.

+1cc to Mr.D.Kalaiselvi Advocate SR.No.4036.
+1cc to Government Pleader SR.No.3969

सत्यमेव जयते

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GN(13/02/2017)

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