

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.Nos.14996 & 14997 of 2018
&W.P.Nos.18115 & 18116 of 2014

R.Kesavan .. Petitioner in WP.No.14996 of
2018 & WP.No.18115 of 2014

R.Ravi .. Petitioner in W.P.No.14997 of
2018
W.P.No.18116 of 2014

Vs

- 1.The Registrar of Co-operative Societies,
No.170, E.V.R.Periyar High Road,
Kilpauk, Chennai-600 010.
- 2.The Joint Registrar of Co-operative Societies,
Cuddalore Region, Cuddalore,
Cuddalore-607 001. Respondents in both Wps.
- 3.The Deputy Registrar of Co-operative societies,
Cuddalore Circle, Cuddalore-607 001.
Cuddalore District.
- 4.The Managing Director,
Spl.8, Panruti Agricultural Producers
Co-operative Marketing Society,
Panruti- 607 106,
Cuddalore District. Respondents 3&4 in
WP.Nos.14996 & 14997 of 2018
- 5.Panruti Agricultural Producers Co-operative
Marketing Society Ltd, C.L.SLP No.8,
rep by the Special Officer,
No.5A, Vazhamangalam Road,
Panruti- 607 1063rd respondent in
WP.Nos.18115 &18116 of 2014

Prayer:- Writ Petitions filed under Article 226 of the
Constitution of India praying for

(i) issuance of a Writ of Mandamus to direct the first respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 20.07.2017 within a stipulated time by this Court (prayer in W.P.No.14996 of 2018).

(ii) issuance of a Writ of Mandamus to direct the first respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 20.07.2017 within a stipulated time by this Court (prayer in W.P.No.14997 of 2018).

(iii) issuance of a Writ of Mandamus to direct the third respondent herein to send the proposal for approval to the first respondent herein for fixing the salary of the petitioner in accordance with seniority and also direct the first respondent herein to dispose of the representations dated 24.06.2011 and 11.03.2013 in accordance with law (prayer in W.P.No.18115 of 2014).

(iv) issuance of a Writ of Mandamus to direct the third respondent herein to send the proposal for approval to the first respondent herein for fixing the salary of the petitioner in accordance with seniority and also direct the first respondent herein to dispose of the representations dated 24.06.2011 and 11.03.2013 in accordance with law (prayer in W.P.No.18116 of 2014).

For Petitioners (in all Wps): Mr.C.Prakasam

For Respondents (in all Wps) : Mr.L.P.Shanmugasundaram,
Spl.GP

COMMON ORDER

In all these writ petitions, as similar questions of law and facts are involved, they are heard together and disposed of, at the stage of admission itself, on consent of both the parties.

2.The grievances of the petitioners in all these writ petitions is non consideration of their representations made to the first and the third respondents to extend the benefit of pay parity with their juniors working with them on the basis of the principle of step up of pay, in spite of the order passed in the revision petition by the second respondent challenging such discrimination meted out to them by their employer and as such, they have come with these writ petitions seeking a direction to the first respondent to dispose of their representations with the relief sought for.

3. In a common counter affidavit filed by the third respondent it is stated that since the petitioners have not complied with the direction given by the second respondent in the Revision petition No.153, disposed of on 01.10.2012, by filing appropriate revision before the first respondent and insist for disposal of the earlier representations filed, these writ petitions therefore, are devoid of merit.

4. Learned counsel appearing for the petitioners would submit that since the second respondent observed that their representations in this regard required to be disposed of, by the first respondent and as such directed them to submit representations and such representations were pending earlier to the aforesaid order, the same is not a ground not to dispose of the representations of the petitioners pending, hence, the relief sought for be granted by this Court with appropriate direction to the first respondent, to consider their representations.

5. Learned counsel appearing for the petitioners would submit that the petitioners have earlier filed the petitions in WP.Nos.18115, 18116 of 2014 seeking the relief of disposal of their representations earlier filed but after disposal of the revision also they have made representations ventilating their grievance as observed in the revision petition, the respondents be directed to consider their representations in this regard.

6. However, the learned counsel for the respondents would submit that the prayer of the petitioners in any of the writ petitions is devoid of merit inasmuch as in the earlier writ petitions without complying the order of the revisional authority they have sought for disposal of their representations filed earlier to the revision petition and while the same is pending they have again come with the same prayer by filing another set of writ petitions. Hence, the writ petitions are liable to be dismissed.

7. After hearing the counsel for the parties and going through the materials on record, it appears to this Court that the approach of the respondents in opposing the writ petitions seeking direction for dispose of their representations, is too technical one. Therefore, this Court rejecting the objection made, directs the first respondent to consider the representations of the petitioners made with regard to stepping up their pay equal to that of their juniors, taking note of the Rules and Regulations/Executive instructions governing the claim of the petitioners within a period of six weeks from the date of receipt of a copy of this order, irrespective of the date of such representations. The petitioners may also alongwith the copy of this order may file a copy of such representation if

available with them or a fresh representation justifying their claim.

8. With the aforesaid order, these writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Registrar of Co-operative Societies,
No.170, E.V.R.Periyar High Road,
Kilpauk, Chennai-600 010.
- 2.The Joint Registrar of Co-operative Societies,
Cuddalore Region, Cuddalore,
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- 3.The Deputy Registrar of Co-operative societies,
Cuddalore Circle, Cuddalore-607 001.
Cuddalore District.
- 4.The Managing Director,
Spl.8, Panruti Agricultural Producers
Co-operative Marketing Society,
Panruti- 607 106,
Cuddalore District.
- 5.Panruti Agricultural Producers Co-operative
Marketing Society Ltd, C.L.SLP No.8,
rep by the Special Officer,
No.5A, Vazhamangalam Road,
Panruti- 607 106 .

+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.57153
+4cc to Mr.C.Prakasam, Advocate Sr.57089, 57088

W.P.Nos.14996 & 14997 of 2018
&W.P.Nos.18115 & 18116 of 2014

srg 12/09/2018