

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 07.03.2018
Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.917 of 2013

M.R.Rangasamy .. Appellant

Vs.

1.The Secretary to the Government
Co-operation, Food and Public Distribution Department
Secretariat, Chennai 600 009.

2.The Registrar of Co-operative Societies
NVN Natarasan Maligai
170, EVR Periyar High Court
Kilpauk, Chennai 600 010.

3.The Deputy Registrar of Co-operative Societies
Thiruchengode Circle
Thiruchengode
Namakkal District.

4.The Special Officer
S.887, Koodachery Primary Agricultural
Co-operative Bank Limited
Koodachery
Paramathi-Velur Taluk
Namakkal District
Pincode 637 206.

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 22.11.2012 made in W.P.No.30616 of 2008 on the file of this Court. Petition has been filed for issuance of Writ of mandamus directing the respondents to pay arrears of wages for the period from 01.07.1997 till 31.03.2004 together with other consequential benefits in compliance with the order dated 05.04.2004 passed by this Court in W.P.No. 36338 of 2003...

For Appellant : Mr.R.Vijayakumar

For R1 to R3 : Mrs.T.Girija
Government Advocate

For R4 : Ms.T.P.Savitha

J U D G M E N T

[Judgment of the Court was delivered by K.K.SASIDHARAN, J.]

The claim made by the appellant for revision of salary on the basis of the Government Order in G.O.Ms.No.131, Co-operative, Civil Supplies and Consumer Protection Department, dated 04 June, 1999 was negatived by the learned Single Judge taking into account the financial condition of the Society in question. The order is under challenge at the instance of the appellant.

2. The order in G.O.Ms.No.131, dated 04 June, 1999 contained the guidelines regarding the salary payable to the employees of the Co-operative Society. The Government fixed a cut-off date in the Government Order for payment of the revised salary. It is the grievance of the appellant that the revision was not made taking into account the date indicated in the Government Order. The Society appears to have implemented the Government Order with effect from 01 April, 2004. The Society has got its own reasons for the delay in implementing the revised pay structure. According to the Society, it incurred a loss of Rs.30 lakhs and was not in a position even to pay the salary of the employees.

3. While implementing an order like the one issued by the Government dated 04 June, 1999, the financial condition of the Society should also be taken note of. It would not be possible for the Society to pay salary to the employees by borrowing from Banks. In a matter of this nature, the financial interest of the Society should also be taken note for deciding as to whether the employees are eligible for revised salary with effect from an early date. This aspect was considered by the learned Single Judge and the writ petition was rightly dismissed. We do not find any reason to take a different view in the matter.

In the upshot, we dismiss the intra court appeal. No costs.

gms

WEB COPY

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Secretary to the Government
Co-operation, Food and Public Distribution Department
Secretariat, Chennai 600 009.

2.The Registrar of Co-operative Societies
NVN Natarasan Maligai
170, EVR Periyar High Court
Kilpauk, Chennai 600 010.

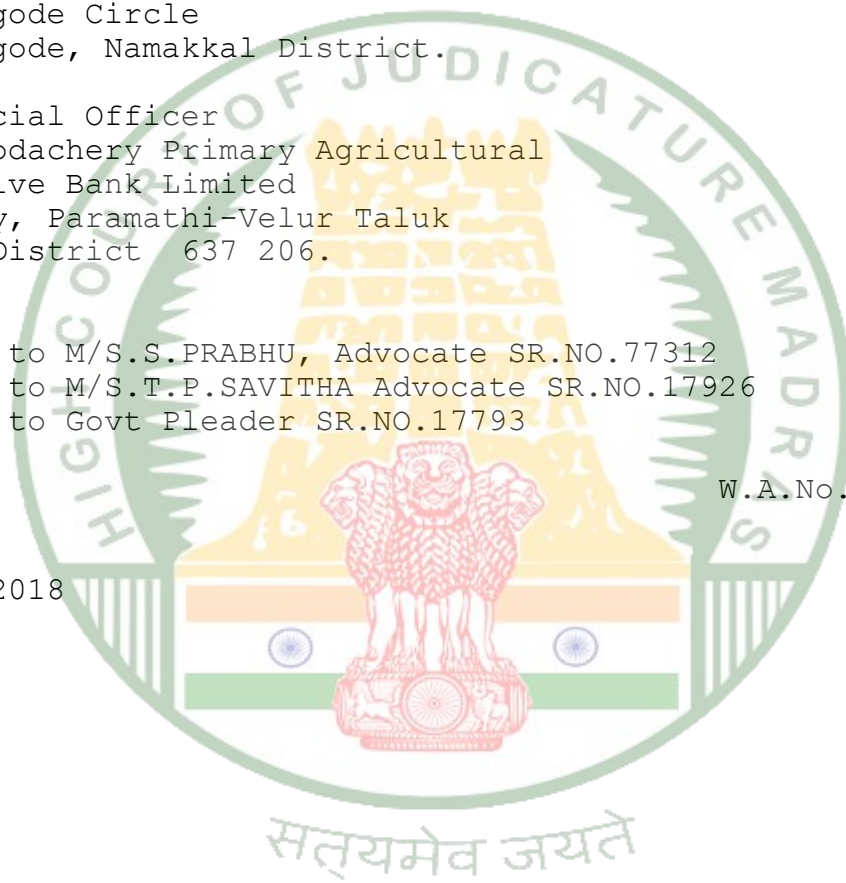
3.The Deputy Registrar of Co-operative Societies
Thiruchengode Circle
Thiruchengode, Namakkal District.

4.The Special Officer
S.887, Koodachery Primary Agricultural
Co-operative Bank Limited
Koodachery, Paramathi-Velur Taluk
Namakkal District 637 206.

+1CC to M/S.S.PRABHU, Advocate SR.NO.77312
+1CC to M/S.T.P.SAVITHA Advocate SR.NO.17926
+1CC to Govt Pleader SR.NO.17793

W.A.No.917 of 2013

NRI [CO]
MK:27/03/2018



WEB COPY