



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.[MD].No.1487 of 2018

and

C.M.P. (MD) .No.10637 of 2018

- 1.The Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Secretariat, Chennai 600 009.
- 2.The Registrar of Co-operative Societies,
KVN Maligai, E.V.R.High Road,
Kilpauk, Chennai 600 010.
- 3.The Joint Registrar of Co-operative Societies,
Madurai Region, Lady Doak College Road,
Madurai 625 002. : Appellants

Vs.

S.Usha : Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 05.07.2017 made in W.P.(MD).No.12322 of 2017, on the file of this Court.

Prayer in WP(MD). 12322/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent i.e., the Joint Registrar of Co-operative Societies, Madurai Region, Madurai relating to his letter Rc.2348/2017 AC dt. 17.05.2017 which is based on G.O.Ms.No. 311 Finance (CMPC) Department dated 31.12.2014 and quash the same and consequently direct the 1st respondent i.e., the Secretary to Government, Co-operative, Food & Consumer Protection Department, Chennai to sanction the last increment which fell due on 01.04.2013 to the petitioner and send revised pension proposal within a specified time frame that may be fixed by this Court.

For Appellant : Mr.A.K.Baskarapandian
Special Government Pleader

For respondents : Mr.S.Govindan



JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

The issue involved in this Writ Appeal is with respect to the payment of increment. A perusal of the order dated 05.07.2017 made in W.P.(MD).No.12322 of 2017, passed by the learned Single Judge would show that it has been passed by placing reliance upon the earlier order passed by the Division Bench. The Government Order issued in G.O.(Ms).No.311, Finance [CMPC] Department, dated 31.12.2014, is stated to be having retrospective effect. In such view of the matter, we do not find any merit in this Writ Appeal. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Secretariat, Chennai 600 009.
 - 2.The Registrar of Co-operative Societies,
KVN Maligai, E.V.R.High Road,
Kilpauk, Chennai 600 010.
 - 3.The Joint Registrar of Co-operative Societies,
Madurai Region, Lady Doak College Road,
Madurai 625 002.
- 1 CC TO Mr.S.Govindan , ADVOCATE IN SR No.92854.
 - +1 cc to Special Government Pleader, SR.No.93358.

NB

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JUDGMENT MADE IN
W.A. [MD].No.1487 of 2018
30.10.2018