

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12320 of 2005

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings issued by the respondent society dated 06.06.2005 directing the petitioners to remit back their salaries, which have been received by them for the year 2004-2005, as illegal and arbitrary. A consequential direction is also sought to the respondent society to pay arrears of salary to the petitioners from September, 2004 as have been paid to them prior to September, 2004.

When the matter is taken up for hearing, learned counsel for the petitioners submits the petitioners are working in the respondent society and the G.O.Ms.No.308 dated 19.11.2003 and G.O.Ms.No.94 dated 28.02.2004 issued by the State Government are not binding on the respondent society. He further submits that the issue raised in the writ petition is squarely covered by the judgment dated 16.08.2004 rendered by this Court in W.P.No.14435 of 2004 wherein it was held that G.O.Ms.No.94 dated 28.02.2004 is not applicable to the society therein and, therefore, prayed that appropriate orders may be passed in the writ petition.

This Court, having considered the said submission and perused the record, is of the considered view that the afore-stated G.Os issued by the State Government are not applicable to the respondent society and, therefore, the impugned orders are liable to be set aside.

Accordingly, the writ petition is allowed and the proceedings issued by the respondent society dated 06.06.2005 are set aside and the respondent society is directed to pay arrears of salary to the petitioners from September, 2004 as have been paid to them prior to September, 2004.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

24th December, 2018
cbs



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Writ Petition No.12320 of 2005
(allowed)

24th December, 2018

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