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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.7711 of 2019

C.Kanagaraj

... Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai - 600 010.
 - 2.The Deputy Registrar of Co-operative Societies,
Musiri Circle, Musiri,
Tiruchirappalli District.
 - 3.The Director of Co-operative Audit,
571, Anna Salai,
Integrated Finance Department Office Complex,
Nandanam, Chennai - 600 035.
 - 4.The Assistant Director of Co-operative Audit,
Senthilmurugan Building,
1039, Kovai Road,
Karur - 639 002.
 - 5.The President,
R.1400, Musiri D.E.O Controlled Staff and
High & Higher Secondary School Teachers &
Employees Co-operative Thrift and Credit Society,
Musiri,
Tiruchirappalli District.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first and second respondents to consider the proposal, dated 17.10.2017 sent by the fifth respondent and approve the payment of Selection Grade pay to the petitioner by reckoning the qualifying service from the date of the regularization of service i.e., from 12.03.2001 in view of the order passed by this Honourable Court in WP.No.22967 of 2012, dated 09.02.2018 and consequential direction to the fourth respondent to release/remove the audit objection made in this regard.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For RR 1 to 4 : Mr.V.Anand,
Government Advocate.

**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the first and second respondents to consider the proposal, dated 17.10.2017 sent by the fifth respondent and approve the payment of Selection Grade pay to the petitioner by reckoning the qualifying service from the date of the regularization of service i.e., from 12.03.2001 in view of the order passed by this Court in WP.No.22967 of 2012, dated 09.02.2018 and consequential direction to the fourth respondent to release/remove the audit objection made in this regard.

2.Heard the learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate, who takes notice for the respondents 1 to 4. In view of the limited order being passed hereunder, notice to the fifth respondent is dispensed with. By consent, the Writ Petition is taken up for disposal at the admission stage itself.

3.The case of the petitioner is that he was initially appointed as Secretary in the fifth respondent Society on 27.04.1992 and his service was regularised with effect from 12.03.2001. However, the monetary benefits was to be made effective only from 01.04.2014. Subsequently, the fifth respondent has sent a representation, dated 09.09.2017 to the fourth respondent to release the audit objection. Subsequently, on the basis of the resolution, dated 07.10.2017, the fifth respondent sent a proposal, dated 17.10.2017 to the second respondent to take appropriate action and issued orders to the fourth respondent to release the audit objection. In the mean while, this Court in W.P.No.22967 of 2012, dated 09.02.2018, for the very same relief, has held that the employees are entitled to get the selection grade pay by taking into account the qualifying service from the date of regularization.

4.The grievance of the petitioner is that though he was entitled to get the benefit of Selection grade pay by reckoning the qualifying service from the date of regularization ie., from 12.03.2001, as per the order of this Court, the fourth respondent has issued communication, dated 04.06.2018 to the second respondent stating that the petitioner herein was not a party in the above Writ Petition and mechanically issued the communication without considering the above order, which is squarely applicable to his case. Hence, the petitioner has filed the present Writ Petition for the above stated relief.

5.However, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that it would suffice, if the representation of the petitioner is directed to be considered by the respondents in the light of the proposal, dated 17.10.2017 sent by the fifth respondent as well as the order of this Court, dated 09.02.2018 in W.P.No.22967 of 2012.



6.The learned Government Advocate appearing for the respondents 1 to 4 has no objection in granting such relief to the petitioner.

7.In view of the above submissions made by the learned counsel on either side, this Court, without going into the merits of the petitioner's claim, directs the respondents 1 to 4 to consider the representation, dated 09.09.2017 along with proposal, dated 17.10.2017 in line with the order passed in W.P(MD)No.22967 of 2012, dated 09.02.2018 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Registrar of Co-operative Societies,
No.170, EVR Periyar High Road,
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- 2.The Deputy Registrar of Co-operative Societies,
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- 3.The Director of Co-operative Audit,
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- 4.The Assistant Director of Co-operative Audit,
Senthilmurugan Building,
1039, Kovai Road, Karur - 639 002.

+1CC TO MR.D.SHANMUGARAJA SETHUPATHI, Advocate Sr. No.58066

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.58607

W.P(MD)No.7711 of 2019

01.04.2019

SCR(CO)

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