



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.11.2019
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .Nos.10234 and 10235 of 2014

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W.P. (MD)No.10234 of 2014

- 1.Sivasubramanian
- 2.S.Karuppasamy
- 3.Thangadurai
- 4.Radha

... Petitioners

Vs.

- 1.The Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Fort St. George,
Chennai - 9.

- 2.The Registrar of Cooperative Societies,
NV Natarajan Maligai,
170, E.V.R. High Road,
Keelpauk,
Chennai - 10.

- 3.The Regional General Manager,
NABARD,
No.48, Mahatma Gandhi Road,
Post Box No.6074,
Nungambakkam,
Chennai - 34.

- 4.The President,
Ambalachery Primary Agriculture
Cooperative Credit Society,
Ambalachery,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned G.O. passed by the first respondent in G.O.Ms.No.189, Cooperation, Food and Consumer Protection Department, dated 17.11.2009 and quash the same in respect of fixation of Dearness Allowance of 84% insofar as the Petitioners are concerned and consequently direct the respondents to fix the pay scales along with D.A. 97% from 01.04.2008 and pay the same to the petitioner from 01.04.2008 as arrears after deducting whatever amount was paid already to the petitioners.



W.P. (MD)No.10235 of 2014

1.R.Usha Jothi Packia Seeli
2.T.Nambi
3.T.Maragathavel
4.S.Venkatesan
5.M.Chendur

.. Petitioners

Vs.

1.The Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Fort St. George,
Chennai - 9.

2.The Registrar of Cooperative Societies,
NV Natarajan Maligai,
170, E.V.R. High Road,
Keelpauk,
Chennai - 10.

3.The Regional General Manager,
NABARD,
No.48, Mahatma Gandhi Road,
Post Box No.6074,
Nungambakkam,
Chennai - 34.

4.The President,
Arumuganeri Primary Agriculture
Cooperative Credit Society,
Arumuganeri,
Tiruchendur Taluk,
Thoothukudi District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned G.O. passed by the first respondent in G.O.Ms.No.189, Cooperation, Food and Consumer Protection Department, dated 17.11.2009 and quash the same in respect of fixation of Dearness Allowance of 84% insofar as the Petitioners are concerned and consequently direct the respondents to fix the pay scales along with D.A. 97% from 01.04.2008 and pay the same to the petitioner from 01.04.2008 as arrears after deducting whatever amount was paid already to the petitioners.

For Petitioners	: Mr.P.Senthurpandian
in both cases	
For Respondents	: Mr.M.Jeyakumar
1 to 3 in both cases	Additional Government Pleader
For Respondent 4	: Mr.G.Ghouse Khathri



COMMON ORDER

These Writ Petitions are filed for issuance of Writ of Certiorarified Mandamus to quash the Government Order vide G.O.Ms.No.189, Cooperation, Food and Consumer Protection Department, dated 17.11.2009 insofar as it relates to fixation of Dearness Allowance of 84% and consequently direct the respondents to fix the pay scale along with 97% Dearness Allowance from 01.04.2008.

2.The learned Counsel appearing on either side submitted that the issue is covered by the earlier judgment of this Court in similar Writ Petitions which were also confirmed by the Hon'ble Division Bench of this Court in the Writ Appeals.

3.Similar Writ Petitions filed earlier by persons who are similarly placed were allowed. After considering the issue, this Court has allowed several Writ Petitions and the order of the learned Single Judge is also confirmed by the Division Bench of this Court in W.A.(MD)No.152 of 2012. For convenience, the judgment of the learned Single Judge in a batch of Writ Petitions in W.P.(MD) Nos.9140 and other cases dated 19.12.2018 is taken as a precedent and this Writ Petition is allowed in the same line. The respondents are directed to calculate the arrears and pay the amount to the petitioner together with interest at the rate of 7.5% per annum within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

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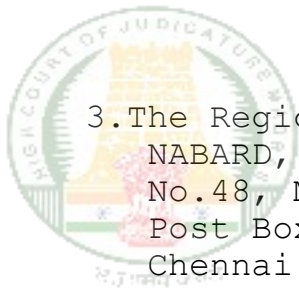
Sub Assistant Registrar(CS)

SRM

To

1.The Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Fort St. George, Chennai - 9.

2.The Registrar of Cooperative Societies,
NV Natarajan Maligai,
170, E.V.R. High Road,
Keelpauk, Chennai - 10.



3.The Regional General Manager,
NABARD,
No.48, Mahatma Gandhi Road,
Post Box No.6074, Nungambakkam,
Chennai - 34.

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+1 CC to SPL GP (SR-96643[F] dated 07/11/2019)

ORDER MADE IN
W.P. (MD) .Nos.10234 and 10235 of 2014
06.11.2019

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