



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2020

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P(MD)Nos.5921, 5925, 5940 and 5945 of 2020
and**

W.M.P. (MD)Nos.5120, 5121,5138 and 5143 of 2020

W.P. (MD)No.5921 of 2020:-

1.M.Bose

2.C.Ravichandran

... Petitioners

Vs.

1.The Principal Secretary to Government,
Cooperative, Food and Consumer
Protection Department,
Fort St.George, Chennai - 600 009.

2.The Registrar of Cooperative Societies,
NVN Natarajan Maligai,
Kilpauk, Chennai -10.

3.The President,
R.S.746, N.Andakkudi Primary Agricultural
Cooperative Credit Society,
Elamanoor-Kunappanenthal Post,
Emaneswaram Via, Ilayangudi Taluk,
Sivagangai District.

... Respondents

W.P. (MD)No.5925 of 2020:-

1.A.Abdul Azees

2.U.Selvam

... Petitioners

Vs.

1.The Principal Secretary to Government,
Cooperative, Food and Consumer
Protection Department,
Fort St.George, Chennai - 600 009.



2.The Registrar of Cooperative Societies,
NVN Natarajan Maligai,
Kilpauk, Chennai -10.

3.The President,
N.N.561, Sakkottai Primary Agricultural
Cooperative Credit Society,
Sakkottai, Sakkottai Post, Karaikudi Taluk,
Sivagangai District.

... Respondents

W.P. (MD)No.5940 of 2020:-

1.T.Uthayakumar

2.P.Bose

... Petitioners

Vs.

1.The Principal Secretary to Government,
Cooperative, Food and Consumer
Protection Department,
Fort St.George, Chennai - 600 009.

2.The Registrar of Cooperative Societies,
NVN Natarajan Maligai,
Kilpauk, Chennai -10.

3.The President,
Q1268, Sathani Primary Agricultural
Cooperative Credit Society,
Sathani-630 709, Ilayankudi Taluk,
Sivagangai District.

... Respondents

W.P. (MD)No.5945 of 2020:-

1.V.Pandidurai

2.R.Thiyakarajan

3.P.Arulanandam

... Petitioners

Vs.

1.The Principal Secretary to Government,
Cooperative, Food and Consumer
Protection Department,
Fort St.George, Chennai - 600 009.



2.The Registrar of Cooperative Societies,
NVN Natarajan Maligai,
Kilpauk, Chennai -10.

3.The President,
Q227, Munaivendri Primary Agricultural
Cooperative Society,
Munivendri Post, Ilayangudi Taluk,
Sivagangai District.

... Respondents

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus to call for the entire records relating to the impugned G.O. passed by the first respondent in G.O.Ms.No.189, Cooperative, Food and Consumer Protection (CNo.1) 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, to direct the respondents to fix the pay scales along with DA 97% from 01.04.2008 and pay the same to the petitioners from 01.04.2008 with interest.

For Petitioners : Mr.R.Saravanan

For Respondents : Mrs.J.Padmavathy Devi
Special Government Pleader
(in all cases)

COMMON ORDER

These Writ Petitions have been filed to quash the impugned Government Order vide G.O.Ms.No.189, Cooperative, Food and Consumer Protection (CNo.1) Department, dated 17.11.2009 in respect of fixation of Dearness Allowance of 84% insofar as the petitioners are concerned and to direct the respondents to fix the pay scales along with DA 97% from 01.04.2008 and pay the same to the petitioners from 01.04.2008 with interest.

2.Heard the learned Counsel for the petitioners and the learned Special Government Pleader for the respondents.

3.The issue in the present Writ Petition is whether the petitioners are entitled to for Dearness Allowance at 97% of the basic pay. The issue is no more *res integra* and is squarely covered by a decision of Honourable Division Bench of this Court in W.A.(MD) No.452 of 2012. The said decision was taken note of by this Court on an earlier occasion in a batch of Writ Petitions in W.P.(MD) Nos.9140, 9186 and 14636 of 2014, dated 19.12.2018. After extracting the counter filed by the respondents in the said Writ Petitions, this Court has observed as follows:



"5. The petitioners are demanding existing Dearness Allowance of 97% be fixed to their last pay drawn salary and be given to them as the new basic pay. If the above formula is applied the petitioners are given only a marginal increase in the basic pay. Following illustrations based on the above formula will demonstrate the grievance of the petitioners are legitimate. If Rs.100/- was the basic pay and 97% DA was paid, till the issue of G.O.Ms.189, dated 17.11.2009, the pay + DA would be Rs.197 (100 + 97). If the formula as per G.O is applied New Basic Pay will be as follows:

Basic Pay + 50% DA Merger = X
i.e., Rs.100 (BP) + 50% of 97 = X
Therefore, X = 100 + 48.5 = 148.5

New Basic Pay = X + (X (x) 15%)
= 148.5 + (15% of 148.5)
= 148.5 + 22.275
= 170.775.

Thus, the petitioners loose out even if the revision is on 50% of existing Dearness Allowance. If 50% of 84% of the Dearness Allowance was applied the petitioners will further loose and there will be a further reduction in the Basic Pay.

6. In view of the decision of the Division Bench Judgment of this Court and the above discussion these Writ Petitions are to be allowed. Consequently, the respondents are directed to calculate the arrears and pay the amount to the petitioners together with interest at 7.5% per annum within a period of six weeks from the date of receipt of a copy of this order and also to pay the revised salary as per the orders of this Court."

4. In the light of above, these Writ Petition are allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar (CS)



To

1.The Principal Secretary to Government,
Cooperative, Food and Consumer
Protection Department,
Fort St.George, Chennai - 600 009.

2.The Registrar of Cooperative Societies,
NVN Natarajan Maligai,
Kilpauk, Chennai -10.

W.P(MD)Nos.5921, 5925, 5940 and 5945 of 2020

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SPU (08.07.2020) 5P-3C