



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.15568 of 2020

D.Murugaboopathy

... Petitioner

Vs.

1. The Principal Secretary to the Government,
Cooperative, Food and Consumer Protection Department,
Fort St.George,
Chennai 600 009.
 2. The Registrar of Cooperative Societies,
NVN Natrajan Maligai,
Kilpauk,
Chennai 10.
 3. The President,
TL, Separate 69, Puthur Duraisampuram Primary
Agricultural Cooperative Society,
Mudukkumeendaanpatti,
Naalattinpuhur (Post),
Kovilpatti Taluk,
Thoothukudi District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of Mandamus, to extend the order passed by the Division Bench of this Court in WA.No.452/2012 in which merging 97% DA is allowed with old pay scale, in spite of 84% DA allowed in the impugned G.O.Ms.No.189, issued by the 1st respondent and subsequent circular of the 2nd respondent, dated 02-12-2009 based on petitioner's representation dated 06-07-2020 and consequently direct the respondent to fix the basic pay by merging 97% DA to the petitioner w.e.f. 01-04-2008 and arrear of pay with 12% interest.

For Petitioner	: Mr.K.K.Samy
For R1 & R2	: Mr.A.Thiagarajan Government Advocate
For R3	: Mr.P.Mahendran Additional Government Pleader



ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to extend the judgment passed by the Division Bench of this Court in WA.No.452/2012, in which merging 97% Dearness Allowance is allowed with old pay scale instead of 84% Dearness Allowance allowed in the impugned G.O.Ms.No.189, issued by the 1st respondent and subsequent circular of the 2nd respondent, dated 02-12-2009, based on petitioner's representation dated 06-07-2020 and to direct the respondents to fix the basic pay by merging 97% Dearness Allowance to the petitioner with effect from 01-04-2008 and arrear of pay with 12% interest.

2.Heard Mr.K.K.Samy, learned counsel for the petitioner, Mr.A.Thiagarajan, learned Government Advocate for the respondents 1 and 2 and Mr.P.Mahendran, learned Additional Government Pleader for the 3rd respondent.

3.By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, he was working as Secretary under the 3rd respondent. As per the judgment of the Division Bench of this Court passed in W.A.No.452 of 2012, dated 20.07.2012, though the petitioner is entitled to get the Dearness Allowance at 97% of the basic pay with effect from 01.04.2008, the respondents have not come forward to disburse the same to the petitioner so far, for which, the petitioner has made a representation dated 24.09.2020 before the respondents and the same is pending till date. Hence, the present writ petition.

5.The learned counsel appearing for the petitioner has relied upon the order of this Court passed in W.P.(MD) Nos.5921, 5925, 5940 and 5945 of 2020, dated 01.07.2020, wherein, this Court has directed the respondents therein to calculate the arrears and pay the amount to the petitioners therein together with interest at 7.5% per annum within a period of six weeks from the date of receipt of a copy of that order and also to pay the revised salary as per the judgment passed in W.A.No.452 of 2012.

6.The learned Additional Government Pleader appearing for the respondents would submit that the representation of the petitioner dated 24.09.2020 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7.Under such facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 24.09.2020 and pass appropriate orders, in the light of the order passed in W.P.(MD) Nos.5921, 5925, 5940 and 5945 of 2020, dated 01.07.2020,



after affording opportunities of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of, on the above terms. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

mm/am

To

- 1.The Principal Secretary to the Government,
Cooperative, Food and Consumer Protection Department,
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Chennai 600 009.
- 2.The Registrar of Cooperative Societies,
NVN Natrajan Maligai,
Kilpauk, Chennai 10.
3. The President,
TL, Separate 69, Puthur Duraisampuram Primary
Agricultural Cooperative Society,
Mudukkumeendaanpatti,
Naalattinpathur (Post),
Kovilpatti Taluk,
Thoothukudi District.

+1 CC to Mr.K.K.SAMY, Advocate (SR-21713[F] dated 10/11/2020)
+1 CC to the SPL GP (SR-21925[F] dated 11/11/2020)

WP (MD) No.15568 of 2020
10.11.2020

CK(CO)
CS(23.11.2020) 3P 6C