



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2020

WEB COPY

CORAM:

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

WP (MD) Nos. 15643, 15644, 15647, 15649 and 15650 of 2020

P.Chandramohan	... Petitioner(s) in WP (MD). 15643/ 2020
D.Jessi Vasantha Kumarai	... Petitioner(s) in WP (MD). 15644/ 2020
R.Shanmugasundaram	... Petitioner(s) in WP (MD). 15649/ 2020
C.Moorthi	... Petitioner(s) in WP (MD). 15647/ 2020
P.Vimala	... Petitioner(s) in WP (MD). 15650/ 2020

- Vs. -

1. The Principal Secretary to Govt., Cooperative,
Food and Consumer, Protection Department,
Fort St.George, Chennai-600 009
2. The Registrar of Cooperative Societies,
NVN Natrarajan Maligai, Kilpauk, Chennai-10
3. The President,
A 1074 Singampunari Primary Agricultural
Cooperative Credit Society,
Singampunari, Sivagangai Dist

... Respondent(s) in all the casess

Common Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, extending the order passed by the Honourable Division Bench of this High Court in WA.No.452/2012 in which merging 97 percent DA is allowed with old pay scale, in spite of 84 percent DA allowed in the impugned GO Ms.No.189 issued by the 1st respondent and subsequent circular of the 2nd respondent dt.2.12.2009 based on petitioners representation dt.28.9.2020, 28.9.2020, 28.9.2020, 06.7.2020 and 28.7.2020 and consequently direct the respondent to fix the basic pay by merging 97 percent DA to the petitioner w.e.f 1.4.2008 and arrear of pay with 12 percent interest respectively.



For Petitioner : Mr.K.K.Samy, in all the Cases

For Respondents: Mr.B.Bhagavathi,
Government Advocate in all the Cases

WEB COPY

COMMON ORDER

The petitioners are seeking 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 petitioners representations dated 28.09.2020, 06.07.2020 and 28.07.2020 respectively and consequently direct the respondents 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.

2.Since the issues involved in these Writ Petitions are one and the same and therefore, these Writ Petitions are heard together and disposed of by way of this common order.

3. Heard Mr.K.K.Samy, learned counsel for the petitioners and Mr.B.Bhagavathi, learned Government Advocate appearing for the respondents.

4. By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

5.According to the petitioners, they were working as Office Assistant, Secretary, Clerk, Clerk and Office Assistant respectively 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 petitioners are 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 petitioners so far, for which, the petitioners have made the representations dated 28.09.2020, 06.07.2020 and 28.07.2020 respectively, before the respondents and the same are pending till date. Hence, the present writ petitions.

6.The learned counsel appearing for the petitioners 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.



7. The learned Government Advocate appearing for the respondents would submit that the representations of the petitioners dated 28.09.2020, 06.07.2020 and 28.07.2020 respectively, would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

8. Under such facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the representations of the petitioners, dated 28.09.2020, 06.07.2020 and 28.07.2020 respectively, and pass appropriate orders on merits and in accordance with law, 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 petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

9. These writ petitions are disposed of, on the above terms. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

am/mm

To

1. The Principal Secretary to Government,
Co-operative, Food & Consumer,
Protection Department,
Fort St. George,
Chennai-600 009.
2. The Registrar of Co-operative Societies,
NVN Natrajan Maligai,
Kilpauk,
Chennai-10.



WP (MD) Nos. 15643, 15644, 15647, 15649
and 15650 of 2020

3. The President,
A.1074 Singampunari Primary Agricultural Cooperative
Credit Society,
Singampunari,
Sivagangai District.

+1 CC to M/s.K.K.SAMY, Advocate (SR-21712[F] dated 10/11/2020)

+1 CC to SGP (SR-21908[F] dated 11/11/2020)

WP (MD) Nos. 15643, 15644, 15647,
15649 and 15650 of 2020

10.11.2020

SR (CO)

NR (26/11/2020) 4P : 6C