



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.A. NAKKIRAN

W.A.No. 1990 of 2018
and

C.M.P.Nos.17100 of 2019 &15832 of 2018

1. The Registrar of Co-operative societies,
170, EVR Periyar Road,
Kilpauk, Chennai - 600 010.
2. The Joint Registrar of Cooperative Societies,
South Street, Ganapathy Nagar,
Thanjavur - 613 007.
3. The Secretary,
Co-operation,
Food and Consumer Protection,
Government of Tamil Nadu,
Chennai - 9.
(Third Appellant Suo Motu impleaded,
Vide Court Order dated 18.08.2021,
passed in W.A.No. 1990 of 2018)

...Appellants/Respondents

Vs.

1. K. Babu
2. R. Subha
3. V. Abhimanam
4. S. Krishnamurthy
5. P. Sivakumar
6. T. Saravanan
7. D. Senthamarai
8. P. Sivakumar
9. G. Vijayakumar
10. A. Kesavan
11. N. Chandrasekaran
12. M.Manimaran

...Respondents/Petitioners

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent, against the order, dated 09.02.2018, passed in W.P.No. 22967 of 2012.



Prayer in W.P.No. 22967 of 2012:-

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified Mandamus, to Call for the records relating to 1st respondents proceedings made in Na. Ka. 13839/ 2012/Va.Aa.1 dated 15.05.2012 to quash the same and consequently, direct the respondents to extent the benefit of Selection Grade/Special Grade and other benefits to the petitioners on and after completion of 10/20 years of services from the date of their initial appointment/regularization and to disburse the accrued arrears thereto forthwith.

For Appellants : Mr.K.R. Sanjeevkumar
Government Advocate
For Respondents : Mr.L.Chandrakumar
(R1 to R11)
No appearance (R12)

JUDGMENT

(Judgment of the Court was delivered by S. VAIDYANATHAN,J)

The present Writ Appeal is preferred by the Appellants against the order passed by the learned Single Judge in W.P.No. 22967 of 2012, dated 09.02.2018, in allowing the Writ Petition, by setting aside the proceedings of the first Appellant herein dated 15.05.2012 and the respondents are directed to grant Selection and Special Grades to the Respondents by reckoning the date of qualifying service from 12.03.2001, with all consequential and attendant benefits, within a period of eight weeks.

2. When the matter was taken up for hearing on 18.08.2021, this Court directed the Respondents to file an affidavit in terms of G.O.Ms.No.262 dated 21.08.2007, clearly indicating as to what are the demands of the writ petitioners and the date of acceptance for ordinary grade, Selection grade and Special grade, including monetary benefits that would be acceptable for.

3. In compliance to the same, the learned counsel appearing for the Respondents 1 to 11 has file an Affidavit 23.08.2021. The relevant portion of the said Affidavit is extracted hereunder:

"2. The Respondents respectfully submit that the writ petition was filed seeking grant of selection/special grade scale of pay on completion of 10/20 years consequent upon regularization w.e.f. 12.03.2001. It is submitted that though the order of regularization was made effective from



WEB COPY

the date of issue of G.O.Ms.No.86, Cooperation, Food & Consumer protection Department dated 12.03.2001, by 21.08.2007, the financial benefits was directed to be given effect from 01.09.2007. Since the reckoning of regularization and that of the payment of monetary benefits due to regularization w.e.f. 12.03.2001 were two different Acts viz.,

i. The former being conferred upon taking into account the services rendered prior to the cut-off date of Regularization thereby exhibiting and establishing that but for being in employment and that of continuance in the job, the same is not liable for being granted, therefore the services rendered from 12.03.2001 shall be the criteria for service accruals as it involve regularization of large section of these type of irregular employees, the Government thought it fit to extend the benefit of time scale of pay based on its financial position and thereby announced that despite their continuance the grant of time scale of pay shall be effective only w.e.f. 01.09.2007 and not any date prior to that. It is needless to say that in so far as the writ petitioners/respondents herein are concerned, the tabular statement annexed to this affidavit is self explanatory and furnishes details relating to their payments;

ii. Whereas the later, i.e., the payment of time scale of pay is without reference to the services rendered by the persons concerned; however the scale of pay shall be in terms of monetary equivalence only from 01.09.2007 thereby the attitude and approach shall be the services will be reckoned for all purposes from the date of initial appointment since it was a continuous discharge of duties and in view of the date of regularization having been made effective from 12.03.2001, there would arise no dispute or any suspicion in regard to



WEB COPY

the inclusion of the services for all purposes from the said date and in that issue, we are now confined to the grant of Selection Grade and Special Grade as to from which date it should be reckoned."

4. In view of the said Affidavit dated 23.08.2021, this Writ Appeal is disposed of. The respondents are directed to grant Selection and Special Grades to the writ petitioners by reckoning the date of qualifying service from * **12.03.2001** and they are entitled to monetary benefits from the said date. No costs. Consequently the connected Miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

***incorporated as per order
dated 30.09.2021 by this
Hon'ble Court.**

//True Copy//

Sub Assistant Registrar

arr

To

1. The Registrar of Co-operative societies,
170, EVR Periyar Road,
Kilpauk, Chennai - 600 010.
2. The Joint Registrar of Cooperative Societies,
South Street, Ganapathy Nagar,
Thanjavur - 613 007.
3. The Secretary, Co-operation,
Food and Consumer Protection,
Government of Tamil Nadu,
Chennai - 9.
(Appellant 3 Suo Motu impleaded,
Vide Court Order dated 18.08.2021,
passed in W.A.No. 1990 of 2018)

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.45244

+1cc to the Government Pleader, S.R.No.45852

W.A.No. 1990 of 2018

AJS[co]

NSK 20/10/2021