



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.21735 OF 2021

AND

W.M.P.NO.22917 OF 2021

(Through Video Conferencing)

1. ***P.Santhi**

2. C.Srinivasan

3. N.Rajendran

4. C.Ravikumar

5. R.Vijayan

6. G.Srinivasan

7. P.Sundaram

8. P.Chandran

... Petitioners

.Vs.

1. The Government of Tamil Nadu,
Rep by Principal Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Secretariat, Chennai - 600 009.

2. The Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
No.170, EVR High Road,
Kilpauk, Chennai - 600 010.

3. The President,
S.289 Manathal Primary Agricultural
Co-operative Credit Society ltd.,
Manthal Post, Omalur Taluk,
Salem District.

4. The President,
S.640 Thinnapatty Primary Agricultural
Co-operative Credit Society Ltd.,
Manathal Post,
Kadayampatty Taluk,
Salem District.

5. The President,
208 Kanjanaicken Patty Primary Agricultural
Co-operative Credit Society Ltd.,
Kanjanaicken Patty Post,
Omalur Taluk,
Salem District.

... Respondents



PRAYER:- Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records of the 1st respondent relating to the order in G.O.Ms.No.189, Co-operation, Food and Consumer Protection Department, dated 17.11.2009 and to quash the same in so far as it relates to fixation of pay by taking into account half of the D.A of 84% to the employees Co-operative Societies classified as 'C' class, in so far as the petitioners are concerned and issue sequential directions to the respondents to fix the petitioners by taking into account and merging with Pre-revised Scale of pay half of D.A. At 97% of pay in the Pre-revised scale from 01.04.2008 and pay the arrears thereby with interest.

For Petitioners : Mr.G.Punniakoti

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate
For R1 & R2

Mr.M.R.Gokula Krishnan
For R3 to R5

ORDER

Both the learned counsel for the petitioner and the respondents submits that the issue is now squarely covered in W.P.No.9399 of 2011 vide order dated 12.07.2011. While disposing the aforesaid writ petition, this Court referred to a counter filed by the respondents in W.P(MD).No.4761 of 2010 and directed the respondents to maintain the fixation of the Dearness Allowance. Following the aforesaid order, a batch of writ petition also came to be disposed by an order dated 19.12.2018 in W.P.(MD).Nos.9140, 9186 and 14636 of 2014. The operative portion of the said order which reads as under:

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.

2. Since the issue is squarely covered by the aforesaid order of the Madurai Bench of Madras High Court in the above writ petition as mentioned above, this Writ Petition is allowed at the time of admission together with all consequential benefit



of the petitioners. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

***Dated:02/11/2021**

***Corrected as per letter**

Dated:16/12/2021

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jas

To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Co-operation, Food and Consumer
Protection Department,
Secretariat, Chennai - 600 009.
- 2.The Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
No.170, EVR High Road,
Kilpauk, Chennai - 600 010.
- 3.The President,
S.289 Manathal Primary Agricultural
Co-operative Credit Society Ltd.,
Manthal Post, Omalur Taluk,
Salem District.
- 4.The President,
S.640 Thinnapatty Primary Agricultural
Co-operative Credit Society Ltd.,
Manathal Post, Kadayampatty Taluk,
Salem District.
- 5.The President,
208 Kanjanaicken Patty Primary,
Agricultural Co-operative Credit
Society Ltd., Kanjanaicken Patty Post,
Omalur Taluk, Salem District.

**To be Substituted to
the order already
despatched on 08/12/21**

+1cc to Mr.G.Punniakoti, Advocate, S.R.No.52631

+1cc to the Government Pleader, S.R.No. 53223

W.P.NO.21735 OF 2021 AND
W.M.P.NO.22917 OF 2021

SSD(CO)

PBS/11/11/2021

SB(16/12/2021)