



WEB COPY

W.P(MD)No.286 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**W.P(MD)No.286 of 2020
& WMP(MD)No.199 of 2020**

C.Kanagaraj

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai-600 010.

2.The Deputy Registrar of Co-operative Societies,
Musiri Circle, Musiri,
Tiruchirappalli District.

3.The Director of Co-operative Audit,
571, Anna Salai,
Integrated Finance Department Office Complex,
Nandamam, Chennai-600 035

4.The Assistant Director of Co-operative Audit,
Senthilmurugan Building,
1039, Kovai Road,
Karur-639 002

5.The President,
R.1400, Musiri D.E.O Controlled Staff and
High & Higher Secondary School Teachers &
Employees Co-operative Thrift and Credit Society,
Musiri, Tiruchirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent vide Na.Ka.No.2618/2017/Nava(1) dated 19.08.2019 and quash the same and consequently, direct the first and second respondents to consider the proposal dated 17.10.2017 sent by the fifth respondent and approve the payment of selection grade pay to the petitioner by reckoning the qualifying service from the date of the regularization of service i.e., from 12.03.2001 and a consequential direction to the 4th respondent to release/remove the audit objection made in this regard.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.S.Shaji Bino, Spl.GP



ORDER

Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioner and Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents.

2.This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent vide Na.Ka.No.2618/2017/Nava(1) dated 19.08.2019 and quash the same and consequently, direct the first and second respondents to consider the proposal dated 17.10.2017 sent by the fifth respondent and approve the payment of selection grade pay to the petitioner by reckoning the qualifying service from the date of the regularization of service i.e., from 12.03.2001 and a consequential direction to the 4th respondent to release/remove the audit objection made in this regard.

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

4.This Writ Petition has been filed as against the impugned order of the second respondent dated 19.08.2019 rejecting the request of the petitioner to place him with selection grade from a particular date as per the earlier orders of this Court in WP No.22967 of 2012 dated 09.02.2018. The second respondent rejected the request of the petitioner in view of the pendency of the Writ Appeal filed as against the orders passed in WP No.22967 of 2012 dated 09.02.2018.

5.It is now reported that W.A.No.1990 of 2018 has also been disposed of on 07.09.2021 in favour of the petitioner and therefore, the impugned order is to be set aside with a direction to the respondents to take a decision as per the earlier orders passed by this Court in WP No.22967 of 2012 dated 09.02.2018 and W.A.No.1990 of 2018 respectively.

6.. In view of the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents without expressing any opinion on merits, this Court directs the respondents 1 & 2 to consider the proposal dated 17.10.2017 sent by the fifth respondent for the payment of selection grade pay to the petitioner by reckoning the qualifying service from the date of the regularization of service i.e., from 12.03.2001, and take a decision as per the earlier orders passed by this Court in WP No.22967 of 2012 dated 09.02.2018 and W.A.No.1990 of 2018 respectively, within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D.II)

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/ /2022

Sub Assistant Registrar(CS)

Dn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Registrar of Co-operative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai-600 010.

2.The Deputy Registrar of Co-operative Societies,
Musiri Circle, Musiri,
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3.The Director of Co-operative Audit,
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4.The Assistant Director of Co-operative Audit,
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5.The President,
R.1400, Musiri D.E.O Controlled Staff and
High & Higher Secondary School Teachers &
Employees Co-operative Thrift and Credit Society,
Musiri, Tiruchirappalli District.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-39096[F] dated 16/12/2021)

+1 CC to M/s.SPL GP (SR-38873[F] dated 15/12/2021)

W.P (MD) No.286 of 2020
14.12.2021

RD(10.01.2022) 3P 8C

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