



W.P.No.29876 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29876 of 2022

K.Chinnasamy

.. Petitioner

Vs.

- 1.The Joint Registrar of Co-op. Societies,
Erode Region, Erode District.
- 2.The Deputy Registrar of Co-op. Societies,
Erode Circle, Erode District.
3. AA.528, Vazhaithottam Primary Agricultural
Co-op. Credit Society Ltd.,
Rep. by its President,
Sivagiri Via-638 109, Erode District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to issue the Post Administrative Approval for the payment of arrears of salary of Rs.1,63,683/- due for the period from 01.04.2012 to 31.03.2013 and to sanction the interest on the Staff Provident Fund from 01.04.2012 to 30.06.2019 as has been sanctioned to other employees of the third respondent-Society, within a time that may be fixed by this Court.



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For petitioner : Mr.K.Premkumar

For respondents: Mr.G.Ammedius, Govt. Advocate for RR-1 and 2
Mr.V.Veluchamy, Addl.G.P for R-3

ORDER

This petition has been filed for a Mandamus to the second respondent to issue the post-administrative approval for payment of arrears of salary of Rs.1,63,683/- due for the period from 01.04.2012 to 31.03.2013 and to sanction interest on the Staff Provident Fund from 01.04.2012 to 30.06.2019 as has been sanctioned to other employees of the third respondent-Society within a time frame to be fixed by this Court.

2. The case of the petitioner is that earlier, he was demoted from the post of Assistant Secretary to Clerk in the year 2012. The petitioner has also filed a Writ Petition challenging the said demotion in W.P.No.6267 of 2013, which is still pending before this Court. Subsequent to his demotion as Clerk, the petitioner's pay was not fixed and hence, he has approached this Court by filing another Writ Petition in W.P.No.8648 of 2015 and by order dated 26.03.2015, this Court directed the respondents therein to fix the petitioner's salary as a Clerk on his demotion. Thereafter, the petitioner's salary was fixed and he claims that in



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accordance with pay fixation, his salary was also paid. However, according to the petitioner, the payment made to the petitioner towards arrears of salary amounting to Rs.1,63,683/- pursuant to the pay fixation, was not approved by the second respondent. Since the approval of the second respondent was not obtained for payment of the said amount to the petitioner towards arrears of salary from 01.04.2012 to 31.03.2013, proceedings under Section 82 of the Tamil Nadu Co-operative Societies Act, were initiated against the petitioner. According to the petitioner, the Inspection Officer appointed by the second respondent, has passed favourable order in favour of the petitioner absolving his liability to repay the alleged excess amount of Rs.1,63,683/- to the respondents. The said order was passed on 13.10.2017. In such circumstances, the petitioner has given a detailed representation on 26.08.2021 requesting for post-administrative approval for payment of salary arrears in the post of Clerk in respect of the payment made to the petitioner amounting to Rs.1,63,683/-, but the respondents have not passed final orders and hence, the present Writ Petition is filed by the petitioner for positive direction to the respondents.

3. Learned counsel for the petitioner, on instructions, stated that the petitioner would be satisfied, if the representation, dated 26.08.2021 is considered on merits and in accordance with law.

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4. This Court is not expressing any opinion on the merits of the claim of the petitioner. It is for the respondents to consider the representation on merits and in accordance with law. No prejudice would be caused to the respondents if a direction is issued to the respondents to consider the said representation dated 26.08.2021 on merits and in accordance with law, within a time frame to be fixed by this Court.

5. It is also contended by the petitioner that the Inspection Officer, under Section 82 of the said Act, had written a letter dated 31.08.2021 to the second respondent to grant post-administrative approval for sanctioning the arrears of salary of Rs.1,63,683/-.

6. This Court is of the view that since the representation given by the petitioner is an old one, the petitioner will have to give a fresh representation to the second respondent requesting for post-administrative approval for payment made to him amounting to Rs.1,63,683/- towards arrears of salary from 01.04.2012 to 31.03.2013, within a period of one week from the date of receipt of a copy of this order and on receipt of such representation, the second respondent shall pass final orders on the same on merits and in accordance with



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law, within a period of eight weeks thereafter, in the light of the recommendation made by the Inspection Officer on 31.08.2021.

7. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

11.11.2022

Speaking Order: Yes/no

CS

To

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