



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.06.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD)No.7935 of 2020

and W.M.P. (MD)Nos.7393 & 7394 of 2020

WEB COPY

V.M.Kalaiselvan

... Petitioner

/vs./

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Co-operation, Food
and Consumer Protection,
Fort St. George, Chennai - 600 009.

2.The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
170, Periyar E.V.R.High Road,
Kilpauk, Chennai - 600 010.

3.The Accountant General,
Office of the Accountant General,
261, Anna Salai, Chennai - 600 018.

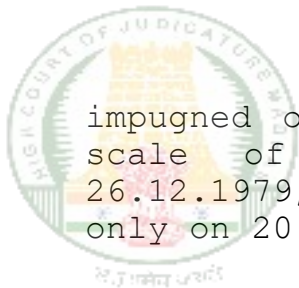
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 2nd respondent Registrar of Cooperative Societies in Na.Ka.No.27954/2015/K1 dated 17.12.2019, quash the same and further direct the respondents herein to re-fix the petitioner's pay on par with his junior K.Kanagasundaram and to release forthwith all monetary benefits with effect from 26.12.1979 and pass such further or other suitable order.

For Petitioner : Ms.A.Amala
For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1 & R2
Mr.P.Gunasekaran for R3

ORDER

The petitioner herein had retired from service as Joint Registrar of Co-operative Societies on 31.05.2015. By citing the anomaly in the pay scale as per G.O.Ms.No.1373, Personal and Administrative Reforms Department, dated 26.12.1979 between himself and his junior K.Kanagasundaram, he had sought for rectification of the anomaly in the pay scale, which came to be rejected through the



impugned order dated 17.12.2019 stating that the revision of pay scale of petitioner's junior K.Kanagasundaram was made on 26.12.1979, whereas the petitioner's revision of pay scale was made only on 20.02.1980.

2. Admittedly, the employee K.Kanagasundaram is junior to that of the petitioner herein. When G.O.Ms.No.1373, Personal and Administrative Reforms Department, dated 26.12.1979 had provided for revision of pay scales, the respondents ought to have revised the pay scale of the petitioner with effect from the date of the Government Order itself. However, while revising the pay scale of the petitioner's junior with effect from the date of the Government Order, the respondent had failed to apply the benefits of the Government Order to the case of the petitioner and had belatedly revised it on 20.02.1980. The failure to revise the pay scale of the petitioner is purely on the part of the respondents. While that being so, the respondents may not be justified in quoting their own mistake as an impediment for revising the petitioner's pay scale with effect from 26.12.1979. Since the only reason cited in the impugned order is that the petitioner's pay scale was revised later than that of his junior, the impugned order cannot be sustained.

3. For all the forgoing reasons, the impugned order passed by the second respondent dated 17.12.2019 is set aside. Consequently, there shall be a direction to the first respondent herein to pass appropriate orders, revising the petitioner's pay scale in the cadre of Joint Registrar of Co-operative Societies with effect from 26.12.1979 on par with the petitioner's junior pay scale (K.Kanagasundaram) and consequently revise the pensionary benefits payable to the petitioner herein. The first respondent herein shall pass such orders within a period of six (6) weeks from the date of receipt of a copy of this order.

This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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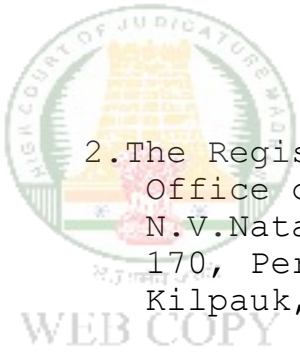
Sub Assistant Registrar(CS)

Vsm

To

1.The Secretary, State of Tamil Nadu,
Department of Co-operation, Food
and Consumer Protection,
Esplanade, Chennai - 600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
170, Periyar E.V.R.High Road,
Kilpauk, Chennai - 600 010.

3.The Accountant General,
Office of the Accountant General,
261, Anna Salai, Chennai - 600 018.

+1 CC to M/s.SPL.GP (SR-26178[F] dated 16/06/2022)

+1 CC to M/s.A. AMALA, Advocate (SR-26501[F] dated 17/06/2022)

+1 CC to M/s.A.AMALA, Advocate (SR-26592[F] dated 17/06/2022)

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RD(28.06.2022) 3P 7C