



W.P.No.11741 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11741 of 2012 and
MP.Nos.1 & 2 of 2012

M.Karunanidhi

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep. by its Secretary,
Cooperation, Food & Consumer
Protection Department,
Fort St.Geroge,
Chennai 600 009
- 2.The Registrar of Cooperative Societies,
No.170, Periyar EVR High Road,
Kilpauk,
Chennai 600 010
- 3.The Deputy Registrar of Cooperative Societies,
Cheyyar Circle,
Cheyyar,
Thiruvannamalai District
- 4.H.H.530, Melathangal Primary Agricultural
Cooperative Credit Society,
Rep. by its Special Officer,
Melathangal,
Thiruvannamalai District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records of the order of the third respondent dated 20.03.2012 in



W.P.No.11741 of 2012

Na.Ka.894/2012/Tho.Ve.Koo.Ka.Sa. the order of the third respondent dated 29.03.2012 in Na.Ka.894/2012.Visa. and the consequential order of the fourth respondent dated 20.03.2012 and quash the same and consequently direct the respondents to pay the time scale of pay fixed to the petitioner as per GO.Ms.No.185, Cooperation, Food & Consumer Protection Department dated 29.12.2010.

For Petitioner : Mr.K.Selvaraj

For Respondents

For R1 to 3 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For R4 : Mr.L.P.Shanmugasundaram

ORDER

This writ petition has been filed challenging the order of the third respondent dated 20.03.2012 thereby denying the time scale of pay fixed to the petitioner.

2. Heard, the learned counsel appearing on either side.

3. The petitioner was appointed as Salesman in Fair Price Shop run by the fourth respondent. The Government passed order in GO.Ms.No.238 dated 19.10.2000 and directed the respondents to pay



W.P.No.11741 of 2012

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time scale of pay to the irregular employees who have completed 5 years of service as on 01.04.2000 and ordered that the said employees are also entitled for 10% house rent allowance. Further, the first respondent passed order that on par with the Government employees, dearness allowance would also be paid to the irregular employees. Based on the said Government order, the respondents 2 to 4 have fixed time scale of pay to the petitioner and started to pay time scale of pay. Thereafter, the first respondent passed another Government order in GO.Ms.No.239 dated 28.09.2007 thereby enhanced the time scale of pay. In pursuant to the said order, the Joint Registrar, Cooperative Society sought clarification and the first respondent opined that that irregular employees who have been recruited from 08.07.1980 to 12.03.2001 should also be given benefit of GO.Ms.No.239 dated 28.09.2007. Further, if a Salesman in the Cooperative society has completed 15 years of service, he should be given selection grade pay as per the annexure No.1, stated by the second respondent. However, the third and fourth respondents did not pay the selection grade payable to the petitioner and other salesman who completed 15 years of service.



W.P.No.11741 of 2012

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4. In fact, the first respondent by G.O.Ms.No.185, Cooperation, Food & Consumer Protection Department dated 29.12.2010 ordered that the employees who are working in the Cooperative Societies and who have completed 15 years of their service should be given selection grade pay and further ordered that one increment should be added to the selection grade pay. Accordingly, respondents 2 to 4 have fixed time scale of pay to the petitioner and he was paid selection grade pay. All of sudden, the third respondent by the impugned proceedings dated 20.03.2012, cancelled the selection grade pay without giving opportunity and without serving any notice to the petitioner. The said order was passed and directed to refix the pay to the petitioner. While admitting this writ petition, this Court passed interim order and even then the petitioner was not paid selection grade pay. That apart, the third respondent directed to recover the amount which was already paid to the petitioner. Admittedly, the petitioner did not commit any misappropriation and did not misrepresent to pay higher salary to him. In fact, the other similarly placed persons were paid selection grade and they got retired from service. Insofar as the petitioner, he also retired



W.P.No.11741 of 2012

from service on his attainment of superannuation. It is also not disputed by the respondents by their counter.

5. In view of the above, the order impugned in this writ petition passed by the third respondents dated 20.03.2012 and 29.03.2012 and the consequential order passed by the fourth respondent dated 20.03.2012 are quashed. The respondents are directed to pay the time scale of pay to the petitioner as per GO.Ms.No.185, Cooperation, Food & Consumer Protection Department dated 29.12.2010.

6. Accordingly, this writ petition is allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

22.08.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok

(1/3)



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W.P.No.11741 of 2012

G.K.ILANTHIRAIYAN, J.

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To

1. Secretary,
The State of Tamilnadu,
Cooperation, Food & Consumer
Protection Department,
Fort St. George,
Chennai 600 009
2. The Registrar of Cooperative Societies,
No.170, Periyar EVR High Road,
Kilpauk,
Chennai 600 010
3. The Deputy Registrar of Cooperative Societies,
Cheyyar Circle,
Cheyyar,
Thiruvannamalai District
4. H.H.530, Melathangal Primary Agricultural
Cooperative Credit Society,
Rep. by its Special Officer,
Melathangal,
Thiruvannamalai District
5. The Public Prosecutor,
High Court, Madras.

W.P.No.11741 of 2012

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