



W.P.No.13623 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.13623 of 2020

C.Karibeeran

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Vellore Zone, Vellore.

2.Tiruvannamalai District Central Cooperative Bank
Rep. by its Managing Director,
Collectorate Master Complex,
Vengikal Post,
Tiruvannamalai 606 604.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records from the 1st respondent and quash the order of the first respondent dated 30.07.2020 bearing Na.Ka.No.3372/2019 A2 Revision Petition No.10/2019 A2 as illegal, arbitrary and contrary to law and consequently, direct the 2nd respondent to revise the salary of the petitioner in terms of the Circular of the Registrar of Co-operative Societies dated 11.10.2003 bearing R.C.No.36405/2001 CBS1 and also in terms of the Circular of the Registrar of Co-operative Society bearing R.C.No.36405/2001/CBS1 dated 29.10.2003 and also in terms of the Settlement entered under



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Section 12(3) of the Industrial Disputes Act, 1947 dated 28.11.2003 in terms of the Circular dated 11.10.2003 and 29.10.2003 and further direct the 2nd respondent to pay the petitioner the difference in salary, difference in gratuity, difference in leave wages, encashment of leave and all other terminal benefits within the time frame fixed by this Court along with interest at the rate of 12% per annum from the date when it became payable.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.A.Rajaperumal for
Mr.L.P.Shanmugasundaram for R2
No appearance for R1

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records from the 1st respondent and quash the order of the first respondent dated 30.07.2020 bearing Na.Ka.No.3372/2019 A2 Revision Petition No.10/2019 A2 as illegal, arbitrary and contrary to law and consequently, direct the 2nd respondent to revise the salary of the petitioner in terms of the Circular of the Registrar of Co-operative Societies dated 11.10.2003 bearing R.C.No.36405/2001 CBS1 and also in terms of the Circular of the Registrar of Co-operative Society bearing R.C.No.36405/2001/CBS1



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dated 29.10.2003 and also in terms of the Settlement entered under Section 12(3) of the Industrial Disputes Act, 1947 dated 28.11.2003 in terms of the Circular dated 11.10.2003 and 29.10.2003 and further direct the 2nd respondent to pay the petitioner the difference in salary, difference in gratuity, difference in leave wages, encashment of leave and all other terminal benefits within the time frame fixed by this Court along with interest at the rate of 12% per annum from the date when it became payable.

2. Heard Mr.Balan Haridas, learned counsel for the petitioner and Mr.A.Rajaperumal, learned counsel for the second respondent.

3. The limited prayer of the petitioner in this Writ Petition is that as per R.C.No.36405/2001/CBS1 dated 29.10.2003, the petitioner is entitled to get one increment, since he has completed 12 years of service in the selection grade Manager post and hence, he should be given with one increment as stated therein. The attention of this Court was drawn to the following portion of the Circular:



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"(b) Some of the employees of the D.C.C.Banks who were in the ordinary grade as on 01.07.1999 would have been moved to selection grade in between 01.07.1999 and 24.06.2003 and their pay would have been fixed in the existing pre-revised selection grade pay scales after adding one increment in the pre-revised ordinary scale of pay. In such cases, the pay of the such employee (i.e) employees who were completed 12 years of service in the same category between 01.07.1999 and 24.06.2003 and whose pay have already been fixed in the existing selection grade. In the revised ordinary scale shall be fixed as on 01.07.1999 as per the fitment tables provided with the letter 3rd cited and they may be allowed to get an increment in the revised ordinary scale of pay from the date following the completion of 12 years of service in the same category (i.e) the date on which he was given selection grade in the existing terms and conditions. There will be no change in the normal date of increment. No fresh selection grade shall be given to any employee on or after 24.06.2003 till the receipt of Government orders in the matter. Suitable illustrations are provided in the annexure to this letter."



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4. Admittedly the petitioner got promoted to the post of Assistant General Manager during February, 1999. The petitioner was not in the post of Manager (selection grade) between the period from 01.07.1999 and 24.06.2003, for whose benefit the above Circular has come into effect. The appropriate authority has rightly dealt the claim of the petitioner and passed the impugned order. Hence I find no reasons to interfere with the said order and hence, this Writ Petition is liable to be dismissed.

5. In the result, this Writ Petition is dismissed. No costs.

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Index : Yes
Internet : Yes/No
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R.N.MANJULA, J.

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To

- 1.The Joint Registrar of Co-operative Societies,
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- 2.The Managing Director,
Tiruvannamalai District Central Cooperative Bank
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