



W.P.No.26220 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.26220 of 2022

K.Sekaran

... Petitioner

Vs

1. The Joint Registrar of Cooperative Societies,
Coimbatore Region, Coimbatore,
Coimbatore District.

2. The President,
K.777, Chinna Sowripalayam Multipurpose,
Co-operative Society No.K77,
Sowripalayam, Coimbatore – 641 028.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to fix the revised pay scale as per G.O.Ms.No.137, Cooperation, Food and Consumer Protection Department, dated 09.11.2015 and disburse the same together with arrears along with retirement benefits to the petitioner.



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For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.Arumugam,
Government Advocate – R1

Mr.S.V.Durai Solamalai – R2

ORDER

This Writ Petition has been filed to direct the respondents to fix the revised pay scale as per G.O.Ms.No.137, Cooperation, Food and Consumer Protection Department, dated 09.11.2015 and disburse the same together with arrears along with retirement benefits to the petitioner.

2. The case of the petitioner is that he was appointed as a Helper in the Coimbatore District Cooperative Wholesale Store [Chintha mani] in the year 1987 through Employment Exchange and subsequently, he was transferred to the second respondent society on 13.05.1997. On 03.05.2021, the service of the petitioner has been regularized in the second respondent society. In the year 2015, the Government of Tamil



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Nadu issued G.O.Ms.No.137 Cooperation, Food and Consumer Protection Department, dated 09.11.2015 revising the Payscale of Salesmen/Packers, who are working in the Cooperative Societies and the said revision of payscale has been implemented all over Tamil Nadu Cooperative Society Employees. However, as per the above Government Order, the pay scale of the petitioner has not been fixed and he has also been retired from service in the year 2018. Hence, the present Writ Petition.

3. In the counter, it is the stand of the respondent that the alternative remedy available to the petitioner is under section 153 of the Cooperative Societies Act. However, submitted that after a lapse of more than four years of retirement of the petitioner, the present Writ Petition and hence, the same is liable to be dismissed.

4. It is not in dispute that the G.O.Ms.No.137 Cooperation, Food and Consumer Protection Department, dated 09.11.2015 is applicable to the employees of Co-operative Societies. The grievance of the petitioner



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is that his pay has not been revised inspite of several representations given by the petitioner. Therefore, at this stage, directing the petitioner to avail alternative remedy does not arise at all. No order has been passed by the respondent refixing pay as per the G.O.Ms.No.136. Such being the position, this Court is of the view that it is the duty of the respondents to refix the revised pay of the petitioner as per G.O.Ms.No.137 . Hence, the respondents are directed to fix the revised pay salce of the petitioner as per the Government Order in G.O.Ms.No.137 and disburse the monetary benefits to the petitioner within a period of the three months from the date of receipt of a copy of this Order.

4. With the above direction, this Writ Petition is disposed of. No costs.

16.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,



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N.SATHISH KUMAR, J.

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