



W.A(MD)Nos.706 & 707 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A(MD)Nos.706 and 707 of 2023

and

C.M.P(MD)Nos.6172 and 6173 of 2023

W.A(MD)No.706 of 2023:

- 1.The State of Tamil Nadu,
Represented by its
Principal Secretary to Government,
Cooperation, Food & Consumer
Protection Department, Secretariat,
Chennai -9.
- 2.The Registrar of Cooperative Societies,
No.170, E.V.R. High Road,
Kilpauk, Chennai – 600 010.
- 3.The Personal Assistant to Registrar and
Personnel Officer,
Office of the Registrar of Cooperative
Societies,
No.170, E.V.R. High Road,
Kilpauk, Chennai – 10.
- 4.The Joint Registrar of Cooperative
Societies (Finance & Banking),
No.170, E.V.R High Road,
Kilpauk, Chennai -10.

... Appellants/Respondents

-VS-



W.A(MD)Nos.706 & 707 of 2023

- 1.A.Iyadurai,
Senior Inspector of Co-operative Societies(Retd),
No.211 H 27/4, Ramlakshmi Nagar,
Pasuvanthanai Road, Kovilpatti,
Thoothukudi District. ... 1st Respondent/Writ Petitioner
- 2.The Accountant General (A& E),
Pension 27 Section,
Office of the Principal Accountant
General (A&E), No.61, Anna Salai,
Teynampet, Chennai – 600 018. ... 2nd respondent/5th respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside Paragraph 15 of the order dated 06.10.2021 passed in W.P(MD)No.8691 of 2016.

W.A(MD)No.707 of 2023:

- 1.Registrar of Cooperative Societies,
N.V.N.Maligai, 170, E.V.R. Periyar Road,
Chennai – 600 010.
- 2.Financial Advisor and Chief Accounts Officer,
Office of Registrar of Cooperative Societies,
Kilpauk, Chennai – 10. ... Appellants/Respondents

-VS-

- 1.A.Iyadurai,
Senior Inspector of Co-operative Societies(Retd),
No.211 H 27/4, Ramlakshmi Nagar,
Pasuvanthanai Road, Kovilpatti,
Thoothukudi District. ... Respondent/Writ Petitioner
- 2.The Accountant General (A& E),
Pension 27 Section,
Office of the Principal Accountant
General (A&E), No.61, Anna Salai,
Teynampet, Chennai – 600 018. ... 2nd respondent/ 3rd respondent



W.A(MD)Nos.706 & 707 of 2023

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside Paragraph 15 of the order dated 06.10.2021 passed in W.P(MD)No.1513 of 2017.

For Appellant : Mr.Veerakathiravan,
Additional Advocate General,
Assisted by,
K.S.Selvaganesan,
Assistant Government Pleader
For R-1 : Mr.Karthick Raja for
M/s.Ajmal Associates
For R-2 : Mr.P.Gunasekaran

COMMON JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Being aggrieved by the order of the Writ Court, dated 06.10.2021 made in W.P(MD)Nos.8691 of 2016 and 1513 of 2017 respectively, the appellants have filed these writ appeals.

2. We are not able to see any grievance for the appellants due to the order impugned in the writ appeals. The Writ Court has only directed the appellants to pay the death-cum-retirement benefits to the first respondent after deducting any amount which might be in excess because of the re-fixation of the pay of the first respondent as per the directions issued by this Court in W.P(MD)No.8691 of 2016.



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3. The learned Additional Advocate General would state that pursuant to the directions in W.P(MD)No.8691 of 2016, a notice had already been issued to the first respondent and he has also submitted his explanation. Therefore, if there is any excess determination of DCRG because of the re-fixation of the pay, it is always upon to the State to deduct that amount and pay the balance.

4. The writ appeals are disposed of with the above direction.
No Costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

05.06.2023

NCC :Yes/No

Index :Yes/No

PM

To:

- 1.The Principal Secretary to Government,
State of Tamil Nadu, Cooperation, Food & Consumer
Protection Department, Secretariat,
Chennai -9.
- 2.The Registrar of Cooperative Societies, No.170, E.V.R. High Road,
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Personnel Officer, Office of the Registrar of Cooperative
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Chennai -10.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

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