



W.P(MD)No.27288 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27288 of 2023

Bindhuja

... Petitioner

Vs.

1. Regional Joint Registrar of Co-operative Societies,
2nd Floor, Collector Office Extension Building,
Nagercoil, Kanyakumari District.

2.The Deputy Registrar of Co-operative Societies,
Thuckalay Circle, Thuckalay – Post,
Kanyakumari District.

3.Y-185, Changai Primary Agricultural
Co-operative Credit Society Ltd.,
Rep. by its Administrator,
Changai, Kanchiracode – Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ in the nature of writ of mandamus directing the respondents to disperse salary to the scale of salesman as per G.O.24 Co-operative Food and Consumer Protection Department, dated 22.02.2021 with arrears from 01.03.2019 within a period that may be specified by this Court.



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For Petitioner : M/s.J.Aswini
For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The present Writ Petition has been filed by a sales woman of a fair price shop seeking a direction to pay the salary as per G.O.24 Co-operative Food and Consumer Protection Department, dated 22.02.2021 with arrears from 01.03.2019 onwards.

2. According to the learned counsel appearing for the petitioner, the petitioner was appointed as sales woman in fair price shop on 01.03.2018 and she was not permitted to continue her duty after 28.02.2019. Hence, she has come forward with the present Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents brought to the notice of this court that the appointment of the petitioner is irregular in nature and therefore,



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they have issued Show Cause Notice on 10.09.2019. Challenging the said Show Cause Notice, the petitioner has filed W.P(MD)No.209 of 2019. However, the petitioner has chosen to withdraw the said Writ Petition on 07.03.2022. Thereafter, the petitioner has submitted a detailed explanation to the Show Cause Notice on 07.10.2023. Therefore, the question of granting salary to the writ petitioner at this stage does not arise.

4. It is clear from the facts narrated above that the management considers the appointment of the writ petitioner as irregular in nature and they have already issued Show Cause Notice for which the petitioner has already submitted detailed explanation and therefore, the question of directing the authorities to pay salary at this stage relevant point of time does not arise. However, the respondents are directed to consider the detailed explanation submitted by the petitioner on 07.10.2023 and pass orders within a period of four weeks from the date of receipt of a copy of this order.



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

12.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To

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R.VIJAYAKUMAR, J.

CM

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