



W.P.No.34374 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.34374 of 2012
and
W.M.P.No.34335 of 2016

1.V.Purushothaman

2.H.Gokuladass

3.T.A.Rajappa

4.U.Raja

5.S.Viswanathan

...Petitioners

Vs

1.The Secretary to Government,
Co-operation, Food and
Consumer Protection Department,
Fort St.George, Chennai – 9.

2.The Registrar of Co-op. Societies,
N.V.Natarajan Maligai,
170, E.V.R. Periyar Road,
Kilpauk,
Chennai – 600 010.

3.The Joint Registrar of Co-op.
Societies, Thanjavur Region,
Ganapathy Nagar, Thanjavur-7.



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4. The Deputy Registrar of Co-op.
Societies, Thanjavur Region,
Ganapathy Nagar, Thanjavur-7.

5. Thanjavur Nagai Thiruvarur District
Medical Department Employees,
Co-op Thrift and Credit Society,
Limited, Rep. by its Special Officer,
Raja Mirasdar Compound,
Thanjavur-1.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for records relating to 2nd respondent's proceedings made in Na.Ka.13839 of 2012 Va.Aa1 dated 15.05.2012 and quash the same and consequently direct the 5th respondent not to recover or deny the benefit of selection grade/special grade and other benefits already granted to the petitioners.

For Petitioner :Mr.K.V.Ananthakrushnan

For Respondents :Mr.S.Ravikumar, Spl. Government Pleader

ORDER

The Writ Petition is filed calling for records relating to 2nd respondent's proceedings made in Na.Ka.13839 of 2012 Va.Aa1 dated 15.05.2012 and quash the same and consequently direct the 5th respondent not to recover or deny the benefit of selection grade/special grade and other benefits already granted to the petitioners.



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2. When the matter is taken up for hearing today, learned counsel for the petitioners filed additional affidavit of 2nd petitioner, wherein it is stated that, at the time of admission on 21.12.2012, interim injunction was granted restraining the 5th respondent from implementing the order dated 31.12.2012, pending disposal of this Writ Petition.

2.1. Pursuant to the interim injunction order, the arrears of salary and Dearness allowance were disbursed to all the petitioners. However, the Deputy Registrar of Co-operative Societies, Thanjavur refused to accept the payment effected to the petitioners and initiated surcharge proceedings.

2.2. 1st petitioner retired on 31.07.2017, 2nd petitioner had also retired on 31.01.2024. 3rd petitioner's service was regularized. 4th petitioner is to retire on 31.05.2028. 5th petitioner retired on 30.05.2013. All the petitioners were recruited through Employment Exchange and their services were regularized and arrears of salary disbursed. The Deputy Registrar of Co-operative Societies by order dated 20.10.2015, dropped the surcharge proceedings which ended in favour of the petitioner. By order dated 02.11.2015, the deputy Registrar, Thanjavur ordered that all the arrears of payments effected to the employees till date is valid. Subsequently, all the petitioner were given regular pay with



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Selection grade and Special Grade pay and subsequent revision of pay implemented. Through the proceedings dated 02.10.2015, the Deputy Registrar Co-operative Societies, Thanjavur regularised the services and approved the payment. However, the auditor raised objection.

2.3.It is stated in the affidavit that direction may be issued to the Auditor to remove the audit objections and this Writ Petition may be disposed as withdrawn.

3.Recording the affidavit of the 2nd petitioner and submissions of the learned counsel for the petitioners, this Writ Petition is disposed as withdrawn. Petitioners may take appropriate steps to cancel audit objections. Consequently, the connected Miscellaneous Petition is closed. Parties shall bear their own costs.

04.04.2024

Index:Yes/No
Speaking order/Non-speaking order
gd



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G.CHANDRASEKHARAN, J.

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