



W.P.(MD).No.4565 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4565 of 2024

A.Kanaga Lakshmi

... Petitioner

Vs.

1.The Joint Registrar,
Co-operative Societies,
Tenkasi District,
Tenkasi.

2.The Deputy Registrar,
Co-operative Societies,
Tenkasi District,
Tenkasi.

3.The Sub Registrar,
Co-operative Societies,
Kadayam Circle,
Tenkasi District.

4.The Special Officer,
O1625 Papankulam Primary Agriculture
Cooperative credit society Ltd.,
Papankulam, Tenkasi Taluk,
Tenkasi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to fix the petitioner's scale of pay in the post of Assistant (Direct Recruitment) appointed in 4th respondent society / O-1625, Pappankulam Primary Agriculture co-operative credit society Ltd., based on the proposal dated 30.10.2023 sent by the 3rd respondent to the 2nd respondent within time frame fixed by this Court.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.J.K.Jayaseelan,
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The present writ petition has been filed seeking direction to the 2nd respondent to fix the petitioner's scale of pay in the post of Assistant (Direct Recruitment) appointed in 4th respondent society / O-1625, Pappankulam Primary Agriculture co-operative credit society Ltd., based on the proposal dated 30.10.2023 sent by the 3rd respondent to the 2nd respondent.

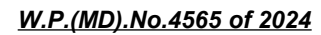


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3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i) The petitioner was recruited in the post of Assistant in the 4th respondent Society/O-1625, Pappankulam Primary Agriculture co-operative credit society Ltd., through District Co-operative Recruitment bureau by regular recruitment process. His scale of pay was fixed and notified as Rs. 12,200 – 33,580/- in the assessment order of the 4th respondent. The petitioner was appointed in the post of Assistant for the scale of pay Rs.11,900-700/8-17,500-850/4-20, 900-1050 (1+23 stages) thereby fixed basic scale of pay at Rs. 11,900/-. However, in the recruitment notification, the respondents notified that the basic scale of pay as Rs. 12,200/-. Contrary to the notification of the 4th respondent the petitioner's basic scale of pay was fixed as Rs.11,900/-. Hence, the petitioner made a representation dated 17.08.2023 to the 4th respondent to fix his basic scale of pay as per the recruitment notification at Rs.12,200/-. The same was forwarded to the 2nd respondent for ratification and the same is pending before him.



5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-



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consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Without going into the merits of this case, this Court hereby direct the the 2nd respondent to fix the petitioner's scale of pay in the post of Assistant (Direct Recruitment) appointed in 4th respondent society / O-1625, Pappankulam Primary Agriculture co-operative credit society Ltd., based on the proposal dated 30.10.2023 sent by the 3rd respondent and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.

28.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

Sml

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