



WP(MD) Nos.7018 to 7021 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) Nos.7018 to 7021 of 2023

and

W.M.P(MD)Nos.6637 to 6644 of 2022

D.Chandran	... Petitioner in W.P.(MD)No.7018 of 2023
S.Murugan	... Petitioner in W.P.(MD)No.7019 of 2023
N.Murugan	... Petitioner in W.P.(MD)No.7020 of 2023
K.Bhuvaneswari	... Petitioner in W.P.(MD)No.7021 of 2023

Vs.

1.The Managing Director

Tamil Nadu Co-Operative Milk Producers Federation Limited,
(Revenue Department),

Aavin Illam,

Mathavaram Milk Colony,

Chennai - 51.



WP(MD) Nos.7018 to 7021 of 2023

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2.The Director For Milk Production and Dairy Development,
Madhavaram Milk Colony,
Chennai - 51.

3.The General Manager
Dindigul District Co-Operative Milk Producers Union,
Head Office,
No.9, East Govindapuram,
Dindigul - 624001. ... Respondents in all Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned order of re-fixation of the petitioners' salary and recovery passed by the 3rd respondent vide proceedings in Na.Ka.No.1380/Estt-1/2019, dated 02.03.2023 and quash the same as illegal.



WP(MD) Nos.7018 to 7021 of 2023

In all Writ Petitions

For Petitioners : Mr.J.Lawrance

For Respondents : Mr.K.Prabhu, - for R1 & R3

Standing Counsel

Mr.J.Ashok – for R2

Additional Government Pleader

COMMON ORDER

The petitioners have filed these Writ Petitions challenging the order, dated 02.03.2023, through which, the petitioners' salaries have been refixed and recovery have been initiated by the third respondent and quash the same as illegal.

2. Heard Mr.J.Lawrance, learned counsel for the petitioners, Mr.K.Prabhu, learned Standing Counsel for the respondents 1 and 3 and Mr.J.Ashok, learned Additional Government Pleader for the second respondent.



WP(MD) Nos.7018 to 7021 of 2023

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3. The learned counsel for the petitioners submitted that re-fixation of pay by reducing from the previous scale of pay of Rs.64,100/- to lower scale is illegal and hence, it is liable to be set aside.

4. But, it is seen from the impugned order that such an action has been taken only in pursuant to the audit report, dated 14.02.2022. As per the submission of the learned Standing Counsel for the respondents 1 and 3, based on the audit report, dated 14.02.2022, a report has been submitted by the third respondent on 29.03.2022. In the rectification report, it is stated that certain suggestions and recommendations have been made, but, so far it has not been placed before the Board.

5. The Board has to take a call on this. Now, it is learnt that the Board members are not available and it is the concerned



WP(MD) Nos.7018 to 7021 of 2023

WEB COPY

District Collector who has to pass necessary orders on the recommendations made by the third respondent on the audit report.

6. As on today, though the impugned order has been passed, no recovery has been initiated. However, a decision has to be taken at the earliest and only then, the petitioners' entitlement to get their original salary can be settled.

7. Now, it is learnt that the Directors of other Union Milk Society has given instructions to ignore the audit report and not to effect any change in the pay scale offered to its staff, irrespective of audit objection. So far as the petitioners' Union is concerned, it has taken a decision to reduce the salary as per the audit objection.

8. However, there are other District Co-operative Milk Producers' Union who obtained positive orders from the second



WP(MD) Nos.7018 to 7021 of 2023

respondent, but permitted the General Manager of the respective District Co-operative Milk Producers' Union to sanction revised scale of pay to the Grade-I Technician notionally w.e.f. 01.06.1986 and monetary benefits from 01.04.2013 by placing the subject before the Board of Union. But the condition is that the Union should ensure the status of those employees as Grade-I. Similar instructions have been issued to the General Manager of Madurai District Co-operative Milk Producers' Union vide proceedings of the second respondent in Rc.No.17300/2018/N2 dated 30.10.2018. So, there cannot be any difficulty for the third respondent to place the suggestions and recommendations thus given by the second respondent to place before the Board of Union and if Board members are not available, to the District Collector for getting appropriate orders in this regard.

9. In view of the same, the third respondent is directed to place the suggestions and recommendations given by the second



WP(MD) Nos.7018 to 7021 of 2023

respondent before the Board of Union and if the Board members are not available, to the concerned District Collector and get appropriate orders.

10. With the above direction, these Writ Petitions are **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

04.04.2024

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

RM



WP(MD) Nos.7018 to 7021 of 2023

WEB COPY

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R.N.MANJULA, J.

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Dated:
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