

W.A.(MD)No.177 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

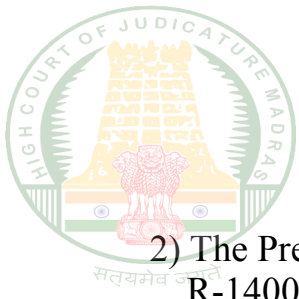
**W.A.(MD)No.177 of 2025
and C.M.P.(MD)No.1121 of 2025**

- 1) The Registrar of Co-operative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai 600 010
- 2) The Deputy Registrar of Co-operative Societies,
Musiri Circle, Trichy District.
- 3) The Director of Co-operative Audit,
No.571, Anna Salai,
Integrated Finance Department Office Complex,
Nandanam, Chennai 600 035
- 4) The Assistant Director of Co-operative Audit,
Senthilmurugan Building,
1039, Kovai Road,
Karur – 639 002

... Appellants

-Vs-

- 1) C.Kanagaraj



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2) The President,
R-1400, Musiri D.E.O. Controlled Staff and
High & Higher Secondary School Teachers &
Employees Co-operative Thrift and Credit Society,
Musiri, Tiruchirappalli District.

...Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act, to set aside the order of this Court made in W.P.(MD)No.286 of 2020 and W.M.P.(MD) No.199 of 2020 dated 14.12.2021.

For Appellants : Mrs.D.Farjana Ghousia,
Special Government Pleader

For R1 : Mr.A.Joel Paul Antony

J U D G M E N T

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the order passed by the learned Single Judge in W.P.(MD)No.286 of 2020, dated 14.12.2021.

2. The brief facts of the case are as follows:-

2.1. The first respondent herein, filed a writ petition in W.P.(MD) No.286 of 2020, seeking to quash the impugned order passed by the second respondent/second appellant herein, vide Na.Ka.No.2618/2017/Nava(1) dated 19.08.2019 and consequently to direct the first and second respondents/appellants 1 &2, to consider the proposal dated 17.10.2017 sent by the fifth respondent/



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second respondent herein and approve the payment of selection grade pay to the first respondent, by reckoning the qualifying service from the date of the regularization of service i.e., from 12.03.2001 and a consequential direction to the 4th appellant to release/remove the audit objection made in this regard, by following the earlier orders of this Court made in W.P.No.22967 of 2012 dated 09.02.2018.

2.3. The Writ Court, after considering the submissions, initially rejected the request of the petitioner in view of the pendency of the Writ Appeal in W.A.No.1990 of 2018, filed as against the orders passed in W.P.No.22967 of 2012 dated 09.02.2018. Thereafter, it was brought to the notice of the learned Judge that W.A.No.1990 of 2018 has also been disposed of on 07.09.2021 in favour of the petitioner and therefore, the impugned order is liable to be set aside with a direction to the respondents to take a decision as per the earlier orders passed by this Court in W.P.No.22967 of 2012 dated 09.02.2018 and W.A.No.1990 of 2018 respectively.

2.4. While being so, the learned Judge has disposed of the writ petition by directing the respondents 1 & 2/ appellants 1 & 2 herein to consider the

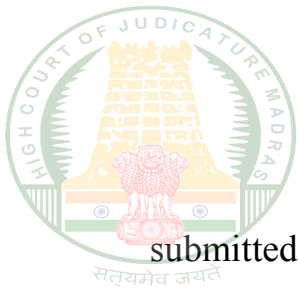


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proposal dated 17.10.2017 sent by the second respondent herein for the payment of selection grade pay to the appellant by reckoning the qualifying service from the date of the regularization of service i.e., from 12.03.2001, and take a decision as per the earlier orders passed by this Court in W.P.No.22967 of 2012 dated 09.02.2018 and W.A.No.1990 of 2018 respectively, within a period of twelve weeks from the date of receipt of a copy of this order. Aggrieved against the said order, the appellants have preferred the present appeal.

3. According to Mrs.D.Farjana Ghousia, learned Special Government Pleader, appearing for the official respondents, the first respondent herein is an irregularly appointed employee of the R-1400, Musiri D.E.O. Controlled staff and Higher Secondary school teachers & Employees Cooperative Thrift and Credit Society, which came to be regularised only from 12.03.2001 as per G.O.Ms. No.86, Co-operation, Food and Consumer Protection Department dated 12.03.2001. As per the said G.O., the scale of pay of the first respondent was fixed only from 01.09.2007 as per the Circular No.21/2007, dated 30.08.2007 issued by the Registrar of Co-operative Societies, Chennai.

4. Subsequent to the orders passed in Rev.Appl.No.237 of 2024 filed against W.A.No.1990/2018, the learned Special Government Pleader fairly



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submitted that the same benefit shall stand extended to the first respondent also, thereby granting selection and special grade to the first respondent by reckoning the date of qualifying service from 12.03.2001 and also conferring entitlement to monetary benefits from 01.09.2007 onwards.

4. In line with the submission made by the learned Special Government Pleader, Mr.A.Joel Paul Antony, learned counsel appearing on behalf of the first respondent submitted that it would be suffice if the appellant is granted selection/special grade by reckoning the date of qualifying service from 12.03.2001 and monetary benefits from 01.09.2007 onwards as per the aforesaid order passed in Rev.Appl.No.237 of 2024, dated 14.10.2024.

5. Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

6. The relevant portion of the order passed in Rev.Appl.No.237 of 2024, dated 14.10.2024 is extracted hereunder:-

“4. In view of the said affidavit dated 23.08.2021, this Writ Appeal is disposed of. The respondents are directed to grant selection and special grades to the writ petitioners by reckoning



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the date of qualifying service from 12.03.2001 and they are entitled to monetary benefits from 01.09.2007. No costs. Consequently, connected miscellaneous petitions are closed.”

7. Since the facts of the case cited in Rev.Appl.No.237 of 2024, dated 14.10.2024 is similar to the facts of the present case on hand, this Court directs the appellants 1 and 2 to grant selection and special grade to the first respondent by reckoning the date of qualifying service from 12.03.2001 and it is also made clear that the first respondent is entitled to monetary benefits from 01.09.2007 onwards. With these observations, this Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

(J.N.B.,J.) (S.S.Y.,J.)
25.03.2025

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and
S.SRIMATHY, J.

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Judgment made in
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Dated:
25.03.2025