



W.P.No.28185 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.28185 of 2016

1.N.Chinnavan
2.P.Munusamy
3.S.Annaji
4.M.Sivam
5.K.Rajagopal
6.P.Periyasamy

...Petitioners

Vs.

1.The Registrar of Cooperative Societies
No.170, EVR Periyar High Road
Kilpauk, Chennai 600 010.

2.The Management
Dharmapuri District Central Co-op. Bank Ltd.,
Byepass Road
Dharmapuri 636 701.

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in letter bearing R.C.No.17031/2013/CBS2 dated 24.08.2015 on the file of the first respondent herein and quash the same and consequently direct the second respondent to pay the following amounts to the petitioners towards the arrears



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of salary in their promotional posts viz. 1.N.Chinnavan (1st Petitioner): Rs.1,33,636.00/- 2.P.Munusamy (2nd Petitioner) : Rs.1,31,301.40/-, 3.S.Annaji (3rd petitioner) : Rs.1,78,662.91/-, 4.M.Sivam (4th Petitioner) : Rs.1,12,624.91/-, 5.K.Rajagopal (5th petitioner): Rs.1,27,920.42/-, 6. P.Periyasamy (6th Petitioner) : Rs.1,49,396.00/- together with simple interest from 01.07.2005.

For Petitioners : Mr.T.Sathiyamoorthy

For Respondents : Mr.M.Muthusamy
Government Advocate for R1

Mr.A.Praveenkumar for R2

ORDER

The challenge in this writ petition is to the order dated 24.08.2015 bearing R.C.No.17031/2013/CBS2 issued by the first respondent. By the said order, the representation submitted by the petitioners seeking a direction to the second respondent to extend the pay scale on par with similarly situated persons, while serving as Assistant, Assistant Manager and Manager, came to be rejected.

2. The petitioners were originally appointed as Attenders in the second respondent Bank Society, registered under the Tamil Nadu Co-operative Societies Act, and were subsequently promoted as Junior Bank Inspectors. The



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second respondent revised the pay scale of ten other Junior Bank Inspectors, who were promoted to the said post on the same day as the petitioners, by extending a higher pay scale. Since the said benefit was not extended to the petitioners, they approached the Labour Court by filing C.P. Nos.109, 110, 113, 115, 116, 117, 119 and 120 of 1992, seeking parity in pay with similarly situated persons. The said claim petitions were allowed by an award dated 19.01.1994.

3. The award passed by the Labour Court was challenged by the second respondent before this Court in W.P. No.9937 of 1995 and batch. The writ petitions were dismissed by this Court on 06.08.2001. Despite dismissal of the challenge, the second respondent failed to comply with the award, which necessitated the petitioners to approach the Government for recovery of the arrears.

4. This Court, in W.P.No.27325 of 2003, directed the concerned District Collector to initiate recovery proceedings against the second respondent Bank for non-compliance with the Labour Court award. In the meantime, the petitioners were promoted to the posts of Assistant, Assistant Manager and Manager and retired from service between the years 2003 and 2007.



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5. The grievance of the petitioners is that, though they were extended parity in pay while serving as Junior Bank Inspectors pursuant to the Labour Court award, the same parity was not extended when they were promoted to the posts of Assistant, Assistant Manager and Manager. Consequently, the petitioners again approached the Labour Court seeking necessary directions. However, the said claim petitions were dismissed on the ground that the petitioners do not fall within the definition of “workman” under Section 2(s) of the Industrial Disputes Act. The said award was confirmed by this Court.

6. Thereafter, the petitioners submitted a representation dated 19.02.2013 to the first respondent seeking rectification of the pay anomaly. Since the representation was not considered, the petitioners approached this Court in W.P. No.33053 of 2014. By order dated 17.03.2015, this Court directed the first respondent to consider the representation on merits and in accordance with law. Pursuant thereto, the impugned order dated 24.08.2015 came to be passed rejecting the claim of the petitioners.



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7. The learned counsel for the petitioners submitted that once the Labour Court had passed an award directing extension of pay parity and the said award had attained finality, the second respondent was under a continuing obligation to extend the same parity to the petitioners even after their promotion to higher posts. Denial of such benefit, according to the learned counsel, is arbitrary and discriminatory.

8. Per contra, the learned counsel for the second respondent Bank submitted that the claim was made belatedly in the year 2013 and is therefore barred by delay and laches. It was further contended that the petitioners are not entitled to the extension of pay scale as claimed.

9. This Court finds that the challenge to the original award passed by the Labour Court was dismissed by this Court as early as on 06.08.2001. Despite the same, the second respondent failed to implement the award, compelling the petitioners to seek recovery proceedings through the Government, which were initiated only pursuant to orders passed by this Court in W.P.No.27325 of 2003. During this period, the petitioners were promoted to higher posts and subsequently retired.



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10. Though the claim petitions filed before the Labour Court in respect of the promoted posts were dismissed on the ground of lack of jurisdiction, it cannot be said that the petitioners abandoned their claim. On the contrary, the petitioners have consistently pursued their remedies before the appropriate forums. The second respondent, having suffered an award directing extension of pay parity, was duty bound to extend the same benefit to the petitioners in the promoted posts as well, on par with similarly situated employees, and cannot deny such valuable vested rights on the pretext that the claim is time-barred.

11. Therefore, the contention of the learned counsel for the second respondent that the writ petition is barred by delay and laches is misconceived and is accordingly rejected. Denial of pay parity to the petitioners in the promoted posts of Assistant, Assistant Manager and Manager is arbitrary and discriminatory.

12. Accordingly, the writ petition is allowed. The impugned order dated 24.08.2015 bearing R.C.No.17031/2013/CBS2 passed by the first respondent is hereby quashed. The second respondent is directed to fix the pay of the petitioners in the promoted posts of Assistant, Assistant Manager and Manager



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on par with similarly situated persons and to calculate and disburse the arrears

of salary accordingly. However, the petitioners shall not be entitled to interest on the arrears. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

06.01.2026

Index : Yes/No
Speaking order : Yes/No
dna

To

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HEMANT CHANDANGOUDAR.J.,

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