

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.8480 of 2015
and MP.No.1 of 2015

C.Manoharan

.. Petitioner

Vs.

1.The Managing Director
The Tamil Nadu Handloom
Weaver's Cooperative
Society Ltd (Co-Optex)
350, Pantheon Road,
Egmore, Chennai-600 008.

2.The Regional Manager
Regional Office, Co-Optex,
350, Pantheon Road,
Egmore, Chennai-600 008.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of mandamus to direct the respondents to grant notional promotion to the petitioner on par with his junior including awarding selection grade in the post of salesman consequently re-fix the pay and grant all the arrears of pay with interest and sanction the pension from the date of petitioner's retirement.

For petitioner : Mr.M.Muthappan

For respondents : Mr.S.Jayaraman
for M/s.Jayaraman Associates

ORDER

This writ petition is filed for writ of Mandamus, directing the respondents to grant notional promotion to the petitioner on par with his junior including awarding selection grade in the post of salesman and consequently re-fix the pay and grant all the arrears of pay with interest and sanction pension from the date of his retirement.

2. According to the petitioner, he was appointed as Assistant Salesman in the Co.Optex on 22.08.1977 and thereafter he was promoted as Salesman on 01.01.1984. In the year 1993 he was dismissed from service for the alleged irregularities and on appeal before the Deputy Commissioner of Labour, he was reinstated into service on 29.05.1997.

3. The grievance of the petitioner is that even after acquittal from the criminal case and arbitration proceedings, he was not granted the back wages, besides, the pay was not fixed and promotion was not granted on par with his juniors. In the meanwhile, the petitioner retired from service on 31.01.2010. The petitioner submitted his representation dated 21.05.2014 with the first respondent to pay arrears of salary by refixing the pay from the date of reinstatement into service i.e., on 29.05.1997 and to grant notional promotion to the petitioner on par with his junior and other consequential benefits. The representation of this petitioner was forwarded to the second respondent on 09.06.2014 by the first respondent. The same is not disposed of and the petitioner has not received any fair reply. Hence, the present writ petition before this Court.

4. Heard the submissions of Mr.M.Muthappan, learned counsel appearing for the petitioner and Mr.S.Jayaraman, learned counsel for the respondents.

5. Though larger relief sought for in this writ petition, this Court in the light of the facts and circumstances and without going into the merits of the same, directs the respondents to consider and dispose of the petitioner representation dated 21.05.2014 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

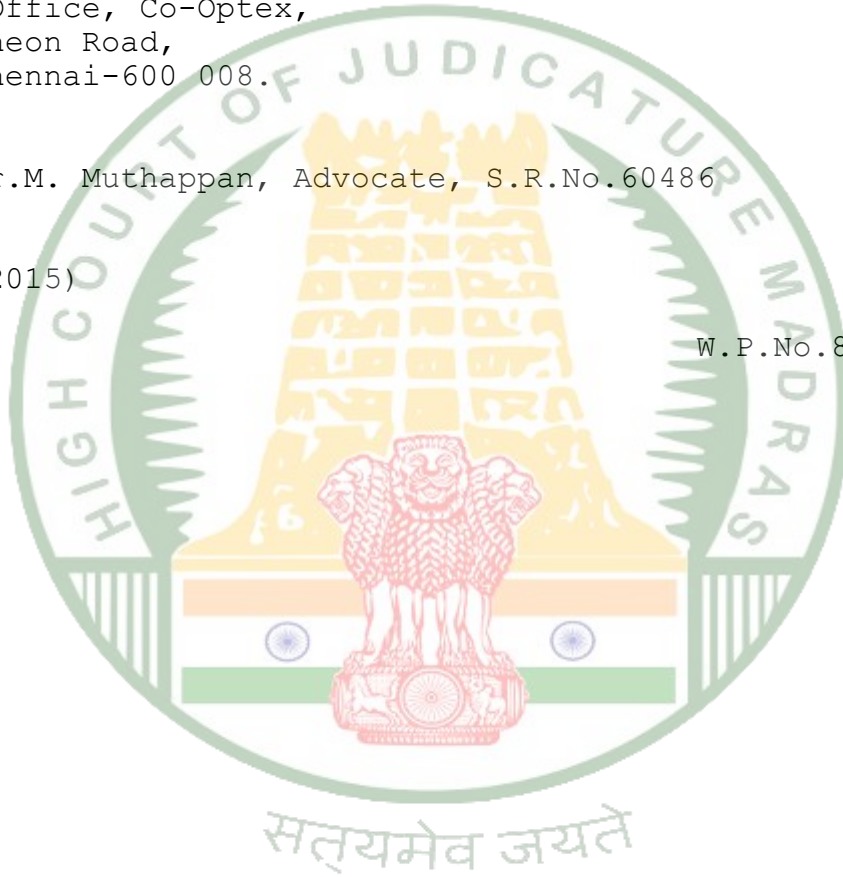
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+1cc to Mr.M. Muthappan, Advocate, S.R.No.60486

RV(CO)
EU(24/11/2015)

W.P.No.8480 of 2015



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