

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.27265 of 2017

S.1178 Kadambur Primary Agricultural
Co-operative Credit Society Limited
rep.by its President V.Gandhi alias Manoharan
Kadambur Post
Gengavalli Taluk
Salem District 636 105 .. Petitioner

-vs-

1. The Labour Court
Salem
Salem District

2. M.Narayanasamy ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to R.E.P.No.17 of 2017 in I.D.No.27 of 2003 dated 19.5.2017 on the file of the first respondent and quash the same and consequently direct the second respondent to receive any reasonable compensation from the petitioner Society that may be fixed by this Hon'ble Court.

For Petitioner :: Mr.K.Selvaraj

ORDER

S.1178, Kadambur Primary Agricultural Co-operative Credit Society Limited, Salem Distict has come to this Court challenging the records relating to R.E.P.No.17 of 2017 in I.D.No.27 of 2003 dated 19.5.2017 on the file of the Labour Court, Salem, the first respondent herein, to quash the same with a consequential direction to the second respondent to receive a reasonable compensation from the petitioner Society, since the financial position of the petitioner society is not sound.

2. Learned counsel for the petitioner submitted that when the Special Officer of the petitioner society terminated the services of the second respondent on 23.7.2001, the second respondent raised an industrial dispute in I.D.No.27 of 2003 on

the file of the Labour Court, Salem, which was allowed with a further direction to the petitioner society to reinstate the second respondent with backwages on 13.12.2006. Aggrieved by the award passed by the Labour Court, Salem in I.D.No.27 of 2003, the petitioner society also filed Writ Petition No.35048 of 2007 unsuccessfully and this Court, finding no merits whatsoever in the writ petition, dismissed the same on 22.2.2012. Therefore, he sought for indulgence from this Court.

3. When the petitioner, raising the grounds only in the present writ petition, conveniently kept quiet without even taking up the matter on further appeal, this Court finds that the contention made by the learned counsel for the petitioner that the petitioner society is not economically sound to pay the backwages to the second respondent is wholly unjustified. The reason is that when the Labour Court, Salem passed the award way back on 13.12.2006, which was also confirmed by this Court in Writ Petition No.35048 of 2007 on 22.2.2012, the petitioner cannot come to this Court on the ground that they are not financially viable to comply with the award passed by the Labour Court, Salem in I.D.No.27 of 2003 dated 13.12.2006, which was confirmed in W.P.No.35048 of 2007 dated 22.2.2012 and subsequently became final. Therefore, the writ petition stands dismissed. Consequently, W.M.P.No.29120 of 2017 is also dismissed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ss

To

1. The Labour Court
Salem
Salem District

+lcc to Mr.K.Selvaraj , Advocate in sr.no.75266

W.P.No.27265 of 2017

SKV(CO)
NR 17/11/2017