

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.01.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. No.41365 of 2002

Jayabalan

.. Petitioner

-vs-

1.Joint Registrar of
Co-operative Societies,
Tiruvanamalai Region,
Tiruvanamalai.

2.The Management H.H.236 Thandarai,
Primary Agricultural Co-operative Bank,
rep. by its Special Officer,
Thandarai Post,
Tiruvanamalai Taluk,
Tiruvanamalai – 606 804.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records of the 1st respondent order dated 30.07.2001 in Revision Petition No.2/2001, Na.Ka.No.4075/2001 Sa.Pa. and quash the same only with respect to the order in so far as it relates to the payment of monthly wages to the petitioner from the date of re-instatement consequently directing the second respondent to pay the petitioner the wages as per the current scale of pay for salesman post.

For Petitioner : Mr.J.Saravana Vel

For Respondents : Mr.L.P.Shanmugasundaram

ORDER

This writ petition challenges the order passed by the Joint Registrar of Co-operative Societies dated 30.07.2001.

2.Heard learned counsel.

3.The impugned order passed by the first respondent has set aside the order of suspension. However, the first respondent has granted consolidated pay only from date of re-instatement which direction is challenged in this writ petition. The order of the Labour Court in I.D. No.11/94 dated 29.10.1997 re-instates the petitioner with full back wages, continuity of benefits and all attendant benefits. Thus, upon re-instatement, the benefits extended to the petitioner would be available in full.

4.It is a settled position of law that an appellate order can deal with only the subject matter of the subject and not traverse beyond the same.

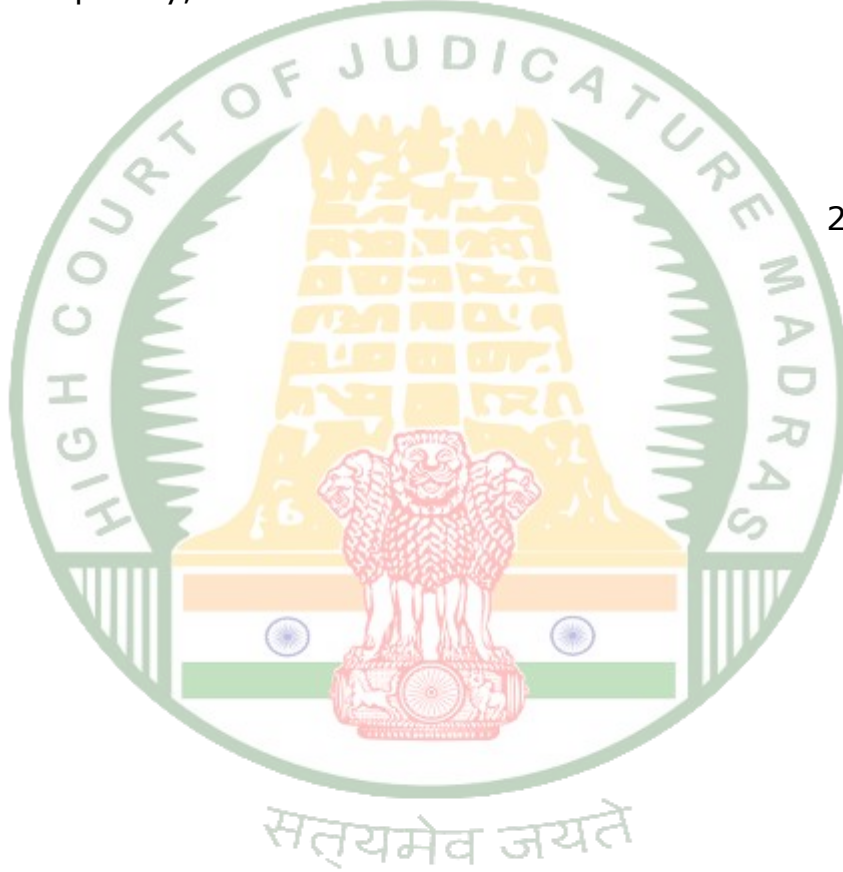
5.Further, W.P. No.7690 of 2000, the writ petition filed by the Management, the second respondent herein, challenging the award of

the Presiding Officer in I.D. No.11 of 1994 dated 29.10.1997 has been dismissed.

6.In view of the above discussion, the writ petition is allowed. No costs. Consequently, connected WPMPs are closed.

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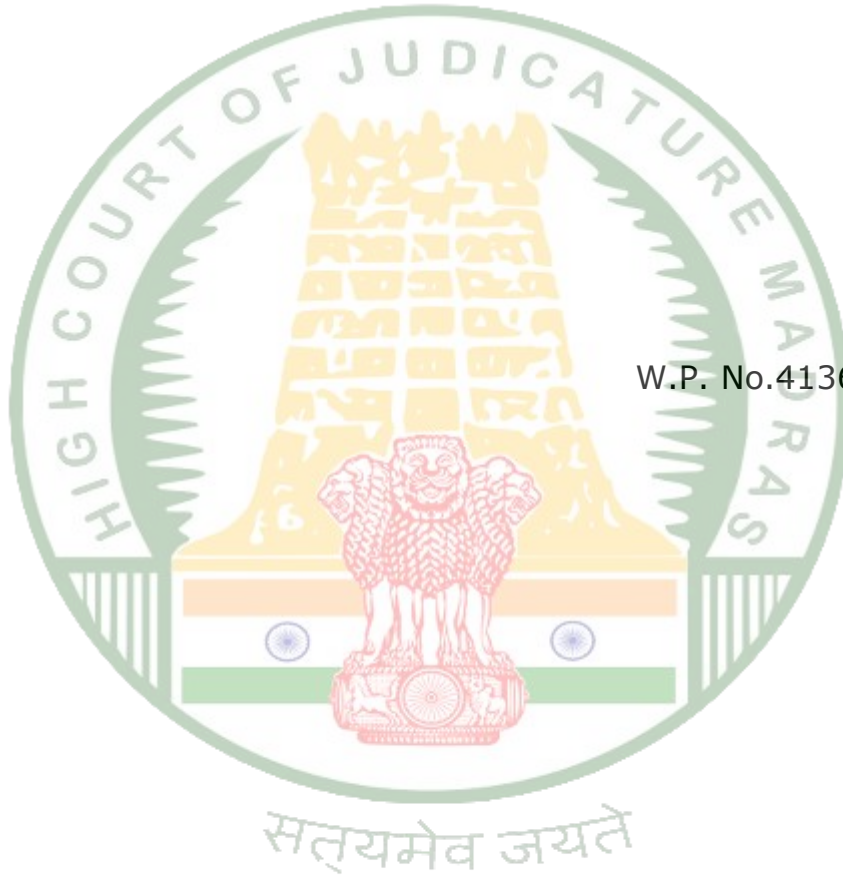
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Dr.ANITA SUMANTH,J.

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