



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **23.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.75 of 2011

Manoharan

.. Appellant

Vs.

1. The Special Officer,
PACB,
Vettuvakkottai,
Uranipuram Post,
Orathanadu Taluk,
Thanjavur District.

2. The Deputy Registrar of Co-operative Societies,
Kasangulam South Bank,
Pattukkottai Post & Taluk,
Thanjavur District.

.. Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, against the order dated 15.09.2010 made in W.P.(MD).No.1261 of 2009, on the file of this Court.

Prayer in WP(MD). 1261/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the 1st Respondent to disburse the salary for the period of 35 months, Employees Provident Fund, Gratuity amount, Earned Leave Salary amount and other my monetary benefits also issue any other writs or orders.

For Appellant	: Mr.R.Jegadeswaran
For Respondents	: Mr.T.S.Mohamed Mohideen Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN,J**]

The unsuccessful writ petitioner is on appeal, challenging the order dated 15.09.2010, made in W.P.(MD).No.1261 of 2009.



2. The writ petitioner was working as an Attender in the office of the first respondent Co-operative Bank. He resigned his post, since he got employment in Judicial Department as Junior Assistant. The writ petitioner was also relieved from service by order dated 30.04.2007, passed by the first respondent. The grievance of the writ petitioner is that though he was appointed on daily wage basis at the rate of Rs.15/- per day from 31.12.1990, by virtue of settlement entered into under Section 18 (1) of the Tamil Nadu Industrial Disputes Act, 1947, the writ petitioner's salary was refixed and he was receiving it till 1997. A fresh settlement was entered into in the year 1998 and the writ petitioner's salary was again refixed till May, 2004. But, from June 2004 till April 2007, the writ petitioner was not paid any salary. He was paid only a certain sum of money styled as "Advance Account". Contending that the writ petitioner's salary was neither fixed nor disbursed for the said period, the writ petitioner submitted a representation. Since it was not considered, the appellant herein filed W.P.(MD).No.1261 of 2009, for directing the first respondent to disburse the salary arrears and other monetary benefits. The said writ petition came to be dismissed. Aggrieved by the same, the present writ appeal has been filed.

3. When the writ appeal was taken up on the earlier occasion, the learned counsel appearing for the appellant sought time to get instructions as to whether the salary of similarly placed persons was fixed and they were paid any arrears. When the matter was taken up for hearing today, the learned counsel appearing for the appellant was not in a position to come up with any response.

4. In these circumstances, we are not in a position to grant any relief. The learned single Judge had dismissed the writ petition on the ground of maintainability. However, it was made clear that the dismissal of the writ petition will not disentitle him from approaching the appropriate forum for getting his grievance settled. In our considered view, the learned single Judge was right in dismissing the writ petition. The liberty granted by the learned single Judge stands.

5. The writ appeal is dismissed, with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To:

1. The Special Officer,
PACB,
Vettuvakkottai,
Uranipuram Post,
Orathanadu Taluk,
Thanjavur District.

2. The Deputy Registrar of Co-operative Societies,
Kasangulam South Bank,
Pattukkottai Post & Taluk,
Thanjavur District.

+1cc to Mr.Baalasundharam, Advocate Sr.No.74103

+1cc to The Spl. Government Pleader Sr.No.74702

KM

VB/SKN/RSK/SAR3/12/12/2017/3P/5C

**JUDGMENT MADE IN
W.A(MD)No.75 of 2011
23.08.2017**