

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.1603 of 2015

MariappanAppellant

..Vs..

1. The Presiding Officer
Labour Court, Salem

2. The Management
No.S.64,S.Kadathur
Primary Agricultural Co-operative Bank
S.Kadathur, Salem.

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order of the learned Judge made in W.P.No.2421 of 2009 dated 04/09/2014 and dismiss the Writ Petition.

WP.2421 OF 2009:

Writ petition filed under article 226 of Constitution of India for issuance of writ of Certiorarified mandamus to call for the records in i.d. no. 341/2002 on the file of the first respondent and quash the saward dated 31.03.2004 and further direct the second respondent to reinstate the petitioner with back wages

For Appellant : Mr.R.Muthukannu

For Respondents: Mr.L.P.Shanmuga Sudaram
Special Government Pleader for R2
R1 - Court

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The appellant was appointed by the Society without reference to the employment exchange. Therefore, he was

terminated from service. The order was challenged by the appellant by raising a dispute before the Labour Court in I.D.N.341 of 2002. The Labour Court passed an award directing the Management to pay a sum of Rs.25,000/- as compensation to the appellant. The said order was challenged before the Writ Court in W.P.No.2421 of 2009. The learned single Judge confirmed the findings of the Labour Court. Feeling aggrieved, the appellant is before this Court.

2. We have heard the learned counsel appearing for the appellant and the learned Special Government Pleader for the second respondent.

3.The issue raised in this intra Court appeal is covered by the Judgment of the Hon'ble Supreme Court in Ms. A. Uma Rani Vs., Registrar, Co-operative Societies and others reported in 2007 4 SCC 112. The Hon'ble Supreme Court in the said Judgment made it clear that only irregular appointment can be regularized and illegal appointment cannot be regularized.

4. In the subject case, admittedly the appointment was not with reference to the Employment Exchange. It was a case of illegal appointment. Therefore, the Labour Court was right in negating the plea raised by the appellant.

5. We do not find any error or illegality in the order passed by the Writ Court, warranting interference.

6. In the upshot, we dismiss this intra court appeal. No costs.

Sd/-
Assistant Registrar (CS-vii)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Presiding Officer
Labour Court, Salem

+1cc to Mr.L.P.SHANMUGASUNDARAM, Advocate, S.R.No. 9113
+1cc to the Government Pleader, S.R.No. 9377

W.A.No.1603 of 2015

KJI (CO)
TR(08/03/2018)