

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1648 of 2017
and C.M.P.No.21383 of 2017

S.1178, Kadambur Primary Agricultural
Cooperative Credit Society Limited
rep. By its President V.Gandhi alias Manoharan,
Kadambur Post, Gengavalli Taluk,
Salem District - 636 105.

... Appellant

-vs-

1. The Labour Court,
Salem, Salem District.

2. M.Narayanasamy

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P.No.27265 of 2017 dated 25.10.2017. 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.No27 of 2003 dated 19.05.2017 on the file of the 1st Respondent and quash the same and consequently direct the 2nd respondent to receive any reasonable compensation from the petitioner Society that may be fixed by this Honourable court.

For Appellant :Mr.K.Selvaraj

For Respondents:Mr.M.Narayanasamy - R2
(party-in-person)

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN,J.]

This intra Court appeal is directed against the order dated 25.10.2017 in W.P.No.27265 of 2017 dismissing the Writ Petition filed by the appellant challenging the order dated 19.05.2017 in R.E.P.No.17 of 2017 in I.D.No.27 of 2003.

2. The appellant challenged the award in I.D.No.27 of 2003 before the Writ Court in W.P.No.35048 of 2007. The said Writ Petition was dismissed by the Writ Court on 22.02.2012. There was no further appeal against the said order at the instance of the appellant. The award has, therefore, become final.

3. The second respondent filed R.E.P.No.17 of 2017 claiming backwages. The claim was challenged in W.P.No.27265 of 2017. The Writ Petition was dismissed by order dated 25.10.2017. The said order is under challenge before us in the present appeal.

4. When this appeal came up for hearing on 25.06.2018, Mr.K.Selvaraj, learned counsel for the appellant, on instruction, submitted that the Society has already reinstated the second respondent into service. According to the learned counsel, in view of the poor financial condition of the Society, it would not be possible to pay backwages to the second respondent. In view of the said submission, we have issued summons to the second respondent to appear before the Court in person.

5. The second respondent is present in Court today in person. Mr.Azhagan, Secretary of the appellant Society is also present. The second respondent fairly submitted that he is not pressing the relief with regard to the payment of entire backwages in view of the order reinstating him into service. However, the Management has given an assurance that the second respondent would be given a sum of Rs.2.00 lakhs in the place of the amount awarded in R.E.P.No.17 of 2017. The second respondent agreed to receive the said amount. The endorsement made by the appellant and the second respondent are taken on record.

6. The second respondent would be given continuity of service and all the benefits arising out of his past service except backwages in view of the settlement arrived at between the parties.

7. The appellant agreed to pay the sum of Rs.2.00 lakhs within a period of one week from the date of receipt of a copy of this judgment.

8. The intra Court appeal is disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

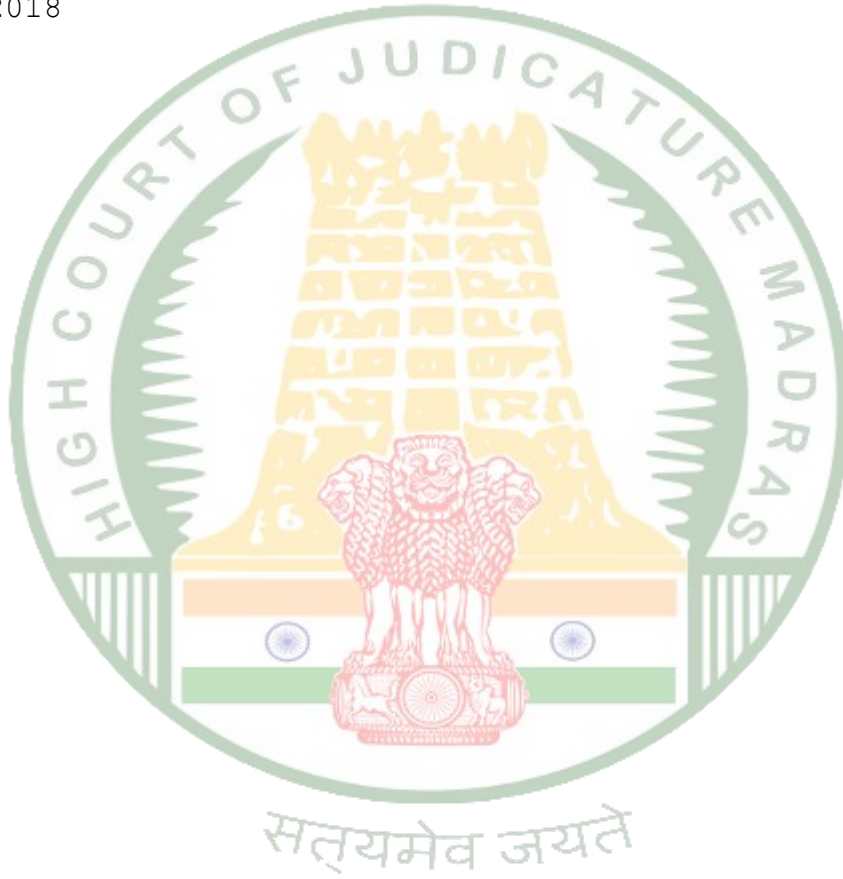
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To

1.The Labour Court,
Salem, Salem District.

W.A.No.1648 of 2017
and C.M.P.No.21383 of 2017

VBA (CO)
BM 03/08/2018



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