

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.06.2018

C O R A M

THE HON'BLE Mr.JUSTICE P.D.AUDIKESSAVALU

W.P.No.8167 of 2004

and

WPMP No.9635 of 2004

All Bank Appraisers'

Federation, Tamil Nadu,

Rep. by its General Secretary,

Mr.K.Vijayarangan,

No.1, Kattiakaran Street,

Cuddalore 607 002.

...Petitioner

vs

1.The Inspector of Labour,

Authority under the Tamilnadu

Industrial Establishments

(Conferment of Permanent status Workmen)

Act, 1981,

Salem 636 007.

2.The Management,

Salem District Central Co-operative Bank,

65, Cherajan Street,

Salem 636 001.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the first respondent to take action against the second respondent for non-implementation of his orders and directing the 2nd respondent to grant permanent status to 18 concerned workmen working under the 2nd respondent in pursuance of the order dated 31.10.2002 of the 1st respondent with arrears and consequential benefits.

For petitioner : Mr.M.Muthupandian

For Respondents : Mr.S.Kamaleshkumar for R1

Government Advocate

Mr.M.R.Raghavan for R2

O R D E R

The writ petition has been filed for a direction to the first respondent Inspector of Labour, Authority under the Tamilnadu Industrial Establishments (Conferment of Permanent

status Workmen) Act, 1981, to take action against the second respondent (the Management, Salem District Central Co-operative Bank) for non implementation of the orders granting permanent status to 18 concerned workmen working under the 2nd respondent in pursuance of the order dated 31.10.2002 passed by the 1st respondent with arrears and consequential benefits.

2. The aforesaid order dated 31.10.2002 passed by the first respondent was challenged by the Management of the Salem District Central Co-operative Bank in W.P.No.3274 of 2004 and W.P.Nos.32592 and 32593 of 2007, in which this Court at paragraph No.10 has held as follows:-

"10. In view of my above conclusion, while setting aside the orders impugned in W.P.Nos.3274 of 2004 and 32592 and 32593 of 2007, the matter is remitted back to the first respondent for fresh disposal. On remand, the first respondent shall permit the management as well as the contesting respondents to let in necessary oral and documentary evidence in addition to whatever documents placed before it and after hearing the parties afresh, pass appropriate orders in accordance with law. Since the contesting respondents had been agitating their rights for fairly a long period, it is just and proper that the first respondent shall pass fresh orders expeditiously, preferably within three months from the date of receipt of copy of this order. W.P.Nos.3274 of 2004 and 32592 and 32593 of 2007 are disposed of accordingly."

3. As the order sought to be enforced in this writ petition has already been set aside by this Court, the question of taking action against the second respondent for non implementation of the order passed by the first respondent does not survive for consideration. It is also to be noticed here that the individual workmen had also filed writ petitions in W.P.Nos.9702 and 9703 of 2007 before this court for similar relief as sought in this writ petition, which were heard along with W.P.No.3274 of 2004, in which this Court at paragraph No.11 has held as follows:-

"11. In W.P.Nos.9702 and 9703 of 2007, the contesting respondents pray for implementation of the orders of the first respondent impugned in W.P.No.3274 of 2004 and 32592 and 32593 of 2007. In the light of the orders passed in those three writ petitions, nothing survives in W.P.Nos.9702 and 9703 of 2007 and the same are accordingly disposed of, as having become infructuous."

4. In these circumstances, this writ petition is dismissed. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

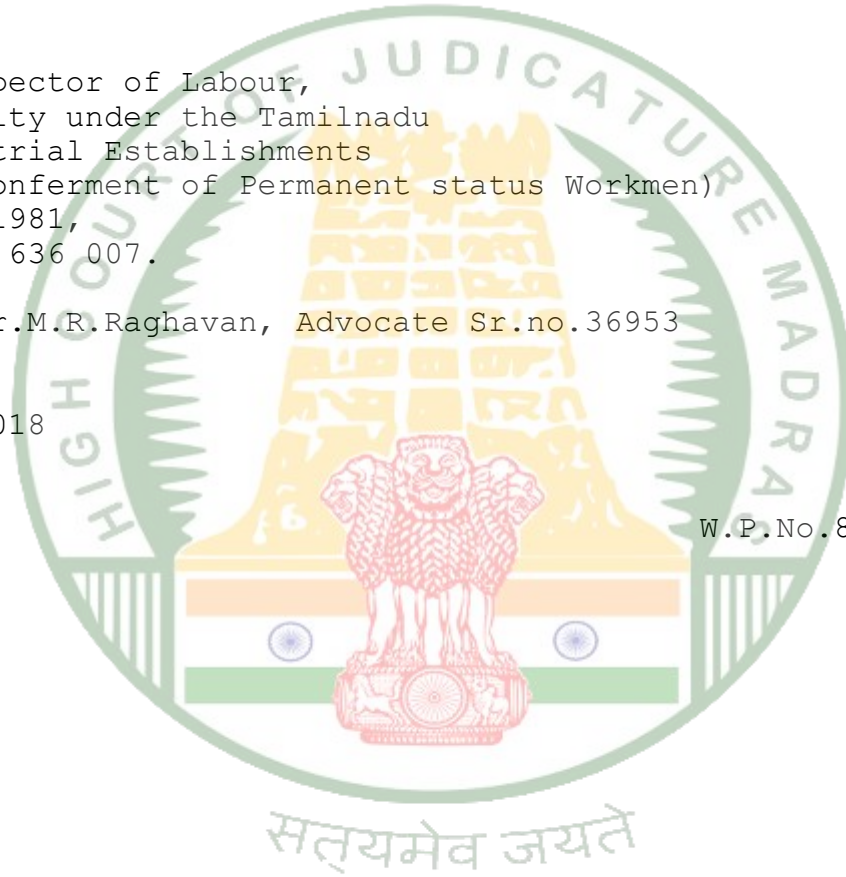
To

1.The Inspector of Labour,
Authority under the Tamilnadu
Industrial Establishments
(Conferment of Permanent status Workmen)
Act, 1981,
Salem 636 007.

+1cc to Mr.M.R.Raghavan, Advocate Sr.no.36953

NA(CO)
sm:11.7.2018

W.P.No.8167 of 2004



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