

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 14.06.2018****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.43885 of 2006**

Pondicherry Co-operative Spinning Mills Staff Union
Rep. by its President D.Ramkumar ... Petitioner

Vs.

- 1.The Secretary to Government,
Department of Co-operative,
Government of Puducherry,
Chief Secretariat, Puducherry.
- 2.The Registrar of Co-operative Society,
Puducherry.
- 3.Pondicherry Co-operative Spinning Mills Society Limited,
Rep. by its Administrator, Thirubuvanai,
Puducherry 605 102. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to Order No.PCSM/1/90/AM/2003 dated 26.10.2006 passed by the third respondent and quash the same.

For Petitioner : Mr.P.V.S.Giridhar
for M/s.P.V.S.Giridhar Associates
For Respondents : Mr.B.Nambiselvam for R1 and R2
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to Order No.PCSM/1/90/AM/2003 dated 26.10.2006 passed by the third respondent and to quash the same.

2.The writ petition has been filed challenging the order of the third respondent dated 26.10.2006 wherein, certain posts which were re-designated vide order dated 30.09.2005 on trial basis were repealed. Since re-designation created problem and bickering amongst the staff resulting in unrest amongst the staff, for the betterment of mills and cooperative movement, the respondent re-considered its own decision and repealed the same in its interest and harmonic.

3.According to the petitioner, the third respondent Mill has been registered under the provisions of the Pudhucherry Co-operative Societies Act, 1972. The petitioner Union has been registered under the provisions of the Trade Unions Act, 1926 and has been espousing the cause of the administrative and technical staff and also executive staff of the Mills. Since most of the workmen did not earn a single promotion for a long time, the petitioner Union made a representation

dated 19.05.2005 to the Management seeking suitable promotional avenues to the staff. By letter dated 03.06.2005, the Management stated that proposal for promotion of certain categories of administrative and technical staff of the Mills was under active consideration. Thereafter, after much discussion, vide circular dated 30.09.2005, the Management informed the Union that the Recruitment Rules had been amended and various categories of posts had been re-designated. Pursuant to the said order most of the employees have taken charge of the new posts and have been discharging higher duties and responsibilities. Whiles, the impugned order dated 26.10.2006 came to be passed.

4. The learned counsel appearing for the petitioner would submit that most of the employees were re-designated and they were given the benefits and they are enjoying the same for the past 12 years by way of the interim order passed by this Court on 14.11.2006. Unless the impugned order is quashed, the benefits will be withdrawn and the employees will be forced to work as they worked before re-designation. Not able to relate to any statutory backing the respondent is repealing the re-designation in the present case. Accordingly, he prayed for allowing the writ petition.

5. Heard the arguments advanced on either side.

6. Earlier for the purpose of protecting the economic measures to minimise the establishment cost and increase the productivity, certain posts were re-designated on 30.09.2005. After facing huge problem from the employees as well as administrative staff, re-designation was withdrawn by the respondent. I do not find any error in the decision of the third respondent and there is no statute prohibiting repeal of re-designation.

7. In view of the above, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition, if any, is also closed.

14.06.2018

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

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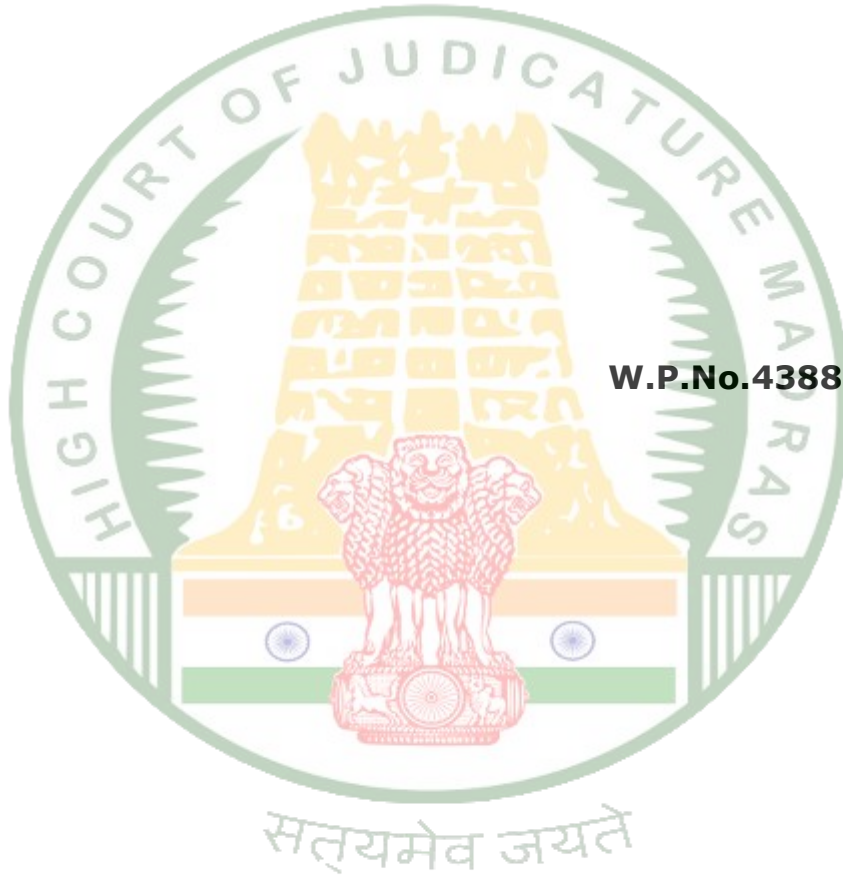
To

- 1.The Secretary to Government,
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Chief Secretariat, Puducherry.
- 2.The Registrar of Co-operative Society,
Puducherry.
- 3.The Pondicherry Co-operative Spinning Mills Society Limited,
Rep. by its Administrator, Thirubuvanai,
Puducherry 605 102.



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M.DHANDAPANI,J.
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