



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD)No.11187 of 2014
and
MP(MD)No.2 of 2014

The General Manager,
Madurai District Co-operative
Milk Producers Union Ltd,
Sathamangalam,
Madurai - 20.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Madurai.

2.A.Y.Agneeswaran

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the order of the Labour Court C.P.No.3 of 2009 dated 29.03.2010 and quash the same.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondent : Mr.R.Ramasamy for R2

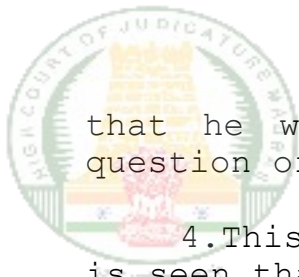
R1 - Labour Court

ORDER

The petitioner is a registered cooperative society. The second respondent herein was its employee. The second respondent herein filed C.P.No.3 of 2009 before the Labour Court, Madurai. The same was allowed by order dated 29.03.2010. The petitioner was directed to pay a sum Rs.25,458/-. The same is assailed in this writ petition.

2.Heard the learned counsel on either side.

3.The learned counsel appearing for the management would strongly contend that the said amount would represent the amounts payable to the second respondent for the type work done by him as a typist for the period from 29.09.2007 till 31.08.2008. According to the petitioner, the second respondent did not work as a typist and



that he was employed only as a Mazdoor and that therefore the question of paying the salary as a typist would not arise.

4. This Court went through the entire materials on record. It is seen that the second respondent herein was initially appointed as a typist on casual basis. The second respondent was actually sponsored by the employment exchange. The second respondent has enclosed few other proceedings in the typed set of papers which clearly mentioned that he was engaged only as a typist. Then the proceedings dated 17.12.1997 issued by the General Manager of the petitioner society refers the second respondent herein as the casual labour/typist in the cattle feed section. The second respondent herein had moved the Inspector of Factories and by proceedings dated 26.05.2005. The status of permanency as a typist was conferred on the second respondent herein. This was questioned by the petitioner management by filing WP(MD)No.7422 of 2005. This Court by order dated 12.09.2007 dismissed the said writ petition. Thereafter, the second respondent herein had filed the present C.P. The C.P was allowed as early as on 29.03.2010.

5. In the order impugned in this writ petition, it is mentioned that the claim of the second respondent/employee was accepted by the management. Thus, before the Court below, the petitioner herein appeared to have conceded the case of the second respondent. Such a clear finding is given in the impugned order itself. If this was wrong recording of the Labour Court, then certainly the petitioner would have to file a memo before the Labour Court contesting the said finding. It is also seen that the writ petition itself came to be filed after four years. The amount involved in this case is just a sum of Rs.25,458/-.

6. For all these reasons, this Court does not find any merit in this writ petition. It stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

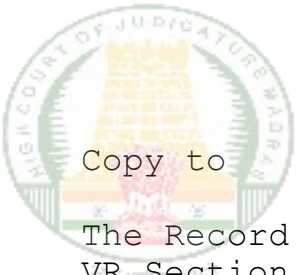
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
Madurai.



Copy to

The Record Keeper,
VR.Section,
Madurai Bench Of Madras High Court,
Madurai. (2 Copies).

+1CC to Mr.V.O.S.Kalaiselvam Advocate in SR.No.54452.

SKM

DS/SKN/RSK/SAR-2 :22.06.2018: 3P/5C

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09.03.2018