



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2018

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18392 of 2015

B.Thangaraj

...Petitioner

Vs

1.The Labour Court,
Tirunelveli.

2.Management,
The Branch Manager,
Tirunelveli District Central Co-operative Bank,
Valliyoor,
Tirunelveli District.

3.The Special Officer/Joint Registrar,
Tirunelveli District Central Co-operative Bank,
Vannarpettai,
Tirunelveli-3.

4.The Managing Director,
Tirunelveli District Central Co-operative Bank,
Vannarpettai,
Tirunelveli-3.

5.The President,
Tirunelveli District Central Co-operative Bank,
Vannarpettai.
Tirunelveli-3.

..Respondents

PRAYER: Writ Petition is filed, under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the award, dated 08.07.2015 made in I.D.No.48/2013 on the file of the 1st respondent Labour Court and quash the same and consequently direct the respondents 2 to 5 herein to pay all monetary benefits like back wages and other attendant benefits from the date of dismissal till the date of superannuation to the petitioner.

For Petitioner

: Mr.M.Elanchezhian

For R1

: Mr.Aayiram K.Selvakumar

Additional Government Pleader

For R4

: Mr.D.Shanmugha Rajasethupathi

ORDER

The Prayer sought for in the writ petition is for a Writ of Certiorarified Mandamus, calling for the records of the award, dated 08.07.2015, made in I.D.No.48/2013 on the file of the Labour Court, Tirunelveli and quash the same and consequently, direct the respondents 2 to 5 herein to pay all monetary benefits like back wages and other attendant benefits from the date of dismissal till the date of superannuation to the petitioner.

2.The writ petitioner herein was employed as a jewel appraiser in the Tirunelveli District Central Co-operative Bank, Valliyoor. Claiming that he was illegally terminated by an oral order, he raised an Industrial Dispute. The same was taken on file in I.D.No.48 of 2013, on the file of the Labour Court, Tirunelveli. By award, dated 08.07.2015 the said I.D.No.48 of 2013 was dismissed. Challenging the same, the petitioner has filed the present writ petition.

3.Heard the learned counsel appearing on either side.

4. The writ petitioner did not place any materials before the Labour Court that there was any sanctioned post of Jewel appraiser and that he was appointed in the said post. Therefore, the Labour Court was justified in coming to the conclusion that there was no master and servant relationship. This Court can take a judicial note of the fact that in many institutions, jewel appraisers are engaged only on piece rate or commission basis. Of course, the Government of Tamil Nadu had issued G.O., in the year 2009 sanctioning the creation of posts of jewel appraiser. In some cases, based on the said G.O., some of the co-operative Banks have also amended their Bye-laws creating the jewel appraiser post. But in the case on hand, no such materials has been placed before me or in the Labour Court. That apart, the petitioner reached 58 years even at the time of raising the Industrial Dispute. Therefore, there is no reason to interfere with the award of the Labour Court. Accordingly, the writ petition stands dismissed. No costs.

Sd/

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-I)

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To

1.The Labour Court,

<https://hcservices.ecourts.gov.in/hcservices/>

Tirunelveli.



2.The Branch Manager,
Tirunelveli District Central Co-operative Bank,
Valliyoor,
Tirunelveli District.

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3.The Special Officer/Joint Registrar,
Tirunelveli District Central Co-operative Bank,
Vannarpettai,
Tirunelveli-3.

4.The Managing Director,
Tirunelveli District Central Co-operative Bank,
Vannarpettai,
Tirunelveli-3.

+1CC TO M/S.K.HEMAJARTHIKEYAN,ADVOCATE SR No.99060

+1CC TO M/S.D.SHANMUGARAJA SETHUPATHI,ADVOCATE SR No.98705

+1CC TO SPECIAL GOVERNMENT PLEADER SR No.99250

W.P (MD) No.18392 of 2015
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DS/SKN/08/02/2019 3P/8C