

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12828 OF 2004

ORDER

In spite of listing the matter under the caption “for dismissal”, none appears for the petitioner and no representation is made on its behalf.

Challenging the order dated 04.05.1998 passed by the 4th respondent in S.E.No.8 of 1997 and the order dated 26.02.2003 passed in S.A.No.1 of 1998 by the 5th respondent in favour of the 1st respondent-workman, the petitioner-Primary Agricultural Cooperative Society filed this writ petition.

The 1st respondent has approached the 4th respondent contending that the petitioner-Society had not paid salaries to him from 01.07.1996 to 30.6.1997. The 4th respondent has entertained the said complaint as S.E.No.8 of 1997 and allowed the same *vide* order dated 04.05.1998 directing the petitioner herein to pay a sum of Rs.18,600/- @ Rs.1,550/- per month. Challenging the same, the petitioner has filed S.A.No.1 of 1998 before the 5th respondent. The 5th respondent *vide* order dated

26.02.2003 had dismissed the appeal confirming the order passed by the 4th respondent. Questioning the same, the present writ petition is filed.

The contention of the petitioner is that the 1st respondent-workman had not worked during July, 1996 to June, 1997 and hence, the question of payment of salary does not arise.

This Court, having considered the facts and circumstances of the case, is of the view that no material was produced before the authorities-respondents 4 and 5 as to what action has been taken against the 1st respondent, if he has not attended to his duties. Therefore, the authorities held that if the 1st respondent has not attended to his duties, the petitioner ought to have initiated action against him. Since no action was taken against the 1st respondent, the authorities have rightly come to the conclusion that the 1st respondent has discharged his duties from 01.07.1996 to 30.6.1997 and directed the petitioner to pay salary to the 1st respondent for the above said period totalling to an amount of Rs.18,600/-. Unless and until a grave irregularity or

illegality has been pointed out by the petitioner, this Court is not inclined to interfere with the same.

Accordingly, the Writ Petition is dismissed. No costs.

Pending Miscellaneous Petitions, if any, shall also stand dismissed.

JUSTICE ABHINAND KUMAR SHAVILI

20th December, 2018

rkk

