

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.09.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4497 of 2005

S.Varadharajan

..Petitioner

vs

1. The Presiding Officer,
Labour Court, Salem.
2. The Management of AA 552
Malayapalayam Primary Agricultural
Co-operative Bank, rep.by
its Special Officer, Malayapalayam,
Gobichettipalayam Taluk, Erode District.

...Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent in I.D.No.142/1997 dated 15.12.2003 and quash the same, and direct the second respondent to reinstate the petitioner into service, with all consequential and other attendant benefits.

For Petitioner : Mr.S.Kamadevan

For Respondents : R1 - Labour Court
R2 - No appearance

O R D E R

The Award dated 15.12.2003 passed in I.D.No.142 of 1997 is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner was working as a Secretary in the 2nd respondent Cooperative Bank, which is a Society registered under the provisions of the Tamil Nadu Cooperative Societies Act.

3. The grievances of the writ petitioner is that the Labour Court arrived a conclusion that the Secretary is not a workman within the meaning of Section 2(s) of the Industrial Disputes

Act. When such a finding is made, the Labour Court ought not to have decided the matter on merits, affecting the interests of the writ petitioner, who was an employee of the Society.

4. The learned counsel for the writ petitioner states that when the Labour Court has taken a decision, not to entertain the industrial dispute under the Industrial Disputes Act, the Court ought not to have decided the matter on merits.

5. This being the factum, this Court is of an opinion that the Secretary of a Cooperative Bank, who is working in a Managerial Cadre, is not a workman within the meaning of Section 2(s) of the Industrial Disputes Act. Under these circumstances, the writ petitioner has to approach the competent authorities under the provisions of the Tamil Nadu Cooperative Societies Act, more specifically, Section 153 of the Act provides Revision and the Regional Joint Registrars are notified as the competent authority for the purpose of entertaining the Revision Petition under Section 153 of the Tamil Nadu Cooperative Societies Act. The writ petitioner is at liberty to approach the competent authority by filing a revision in the prescribed format by paying the prescribed fees.

6. In this view of the matter, the Award of the Labour Court dated 15.12.2003 passed in I.D.No.142 of 1997 is quashed and the writ petitioner is at liberty to redress his grievances by approaching the competent authority under the Cooperative Societies Act.

7. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Presiding Officer,
Labour Court, Salem.

2. The Special Officer,
The Management of AA 552
Malayapalayam Primary Agricultural
Co-operative Bank, Malayapalayam,
Gobichettipalayam Taluk,
Erode District.

+1cc to Mr.S.Kamadevan, Advocate, S.R.No.81806

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CS/31/10/2019



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