

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.15377 of 2019

K.Pazhani

... Petitioner

Vs.

The Deputy Registrar /Managing Director
Tirukoilur Cooperative Urban Bank Ltd., E.25/1975
No.9, Market Street
Tirukolur 605 757
Villupuram District

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to implement the order passed by the respondent dated 16.11.2018 and consequently direct the respondent to pay arrears of the revised pay scale from 13.09.1999 to till date.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.L.P.Shanmugasundaram
Special Govt. Pleader (Co-operative)

ORDER

This writ petition has been filed to direct the respondent to implement the order passed by the respondent dated 16.11.2018 and consequently direct the respondent to pay arrears of the revised pay scale from 13.09.1999 to till date.

2.The case of the petitioner is that while the petitioner was working as Sub Staff for more than 480 days i.e five years continuously, the petitioner made a request before the respondent for regularising his service, but the respondent did not consider the same. Thereafter, the petitioner approached the Labour Inspector, Villupuram and made a request to regularize the petitioner's service and in that proceedings, the respondent did not appear before the Labour Inspector. Hence the Labour Inspector passed an order in his proceedings Na.Ka.A1/1643/03 dated 10.10.2003 directing the respondent to regularize the petitioner's service, but the respondent has not come forward to regularise his service.

3. Thereafter, the petitioner has filed a writ petition in W.P No.31599 of 2004 before this Court to direct the respondent to consider his representation seeking regularisation of his service. When the above writ petition came up before this Court on 02.11.2004, this Court was pleased to pass orders directing the respondent to dispose the petitioner's representation. But, the respondent did not pass any orders on the petitioner's representation.

4. Challenging the order passed by the Labour Inspector dated 10.10.2003, the respondent herein filed a writ petition in W.P No.38760 of 2004. This Court, on 01.02.2012, dismissed the said writ petition by observing that the petitioner's service has already been regularized pending the said writ petition. Even after dismissal of the respondent's writ petition, the respondent did not implement the Labour Inspector's order dated 10.10.2003.

5. Since the respondent regularized the service of the petitioner from 12.03.2001 instead of 13.09.1999 and have not fixed the time scale from 13.09.1999, but has been fixed only from 01.09.2007, the Labour Inspector sent a communication to the respondent. Thereafter, the petitioner made a representation before the respondent to implement the Court order. Based on the orders passed by this Court and Labour Inspector and also considering the representation made by the petitioner, the respondent placed the proposal for regularisation of the petitioner's service from 13.09.1999 and revision of pay scale from the date of regularization before the Board of Director. In turn, the Board passed resolution to place the same before the Deputy Registrar of Co-operative societies on 22.06.2017 and in turn, the Deputy Registrar of Co-operative Societies sent a communication to the respondent bank to decide the issue at the level of the bank itself and accordingly, the respondent herein received legal opinion from the Government Pleader and finally passed orders on 16.11.2018, fixing the pay scale of the petitioner by giving retrospective effect from 13.09.1999 i.e from date of his regularization. Eventhough the said order has been passed on 16.11.2018, till today the said order has not been implemented.

6. The learned Special Government Pleader appearing for the respondent would submit that the Managing Director of the respondent has already passed an order in favour of the petitioner on 16.11.2018.

7. The learned counsel for the petitioner strongly opposed the submission made by the learned Special Government Pleader.

Further, he submitted that that it would suffice if a direction is issued to the respondent to implement the order passed by the respondent dated 16.11.2018 within a reasonable time.

8. Considering the facts and circumstances of the case and also considering the request made by the learned counsel for the petitioner, I am inclined to direct the respondent to implement the order dated 16.11.2018, within a period of twelve weeks from the date of receipt of copy of this order.

9. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Deputy Registrar /Managing Director
Tirukoilur Cooperative Urban Bank Ltd., E.25/1975
No.9, Market Street, Tirukolur 605 757
Villupuram District.

+1 cc to M/s.L.P.Shanmugasundaram, Advocate Sr.No. 82123

+1 cc to The Government Pleader Sr.No.82262

AKM/14.11.19/3P-4C /

W.P.No.15377 of 2019

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