



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.10.2019
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD)No.9409 of 2011 and
M.P.(MD)Nos.1 and 2 of 2011

The Secretary,
TC 66, Ottapidaram Taluk Teachers Co-Operative
Thrift and Credit Society Limited,
Ottapidaram, Thoothukudi District - 628 401. : Petitioner

vs.

1. The Presiding Officer,
Labour Court, Tirunelveli District.

2. V.Selvaraj : Respondents

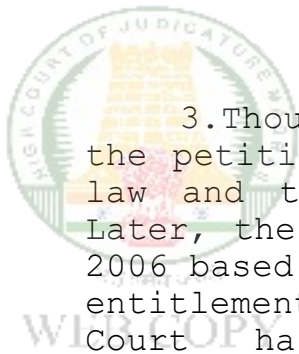
PRAYER: Writ Revision Petition filed under Article 226 of Constitution of India, praying to issue Writ of Certiorari, to call for the records relating to the proceedings of the order in CP No.20 of 2006, dated 01.07.2011 on the file of the first respondent and quash the same.

For Petitioner : Mr.I.Robert Chandrakumar
For R2 : No Appearance

ORDER

This Writ Petition is filed challenging the order of Labour Court in the claim petition filed by the second respondent under Section 33(c)(2) of Industrial Disputes Act.

2.The petitioner is the Secretary of the Society, in which the second respondent worked as a Clerk. It is contended by the petitioner that the second respondent was appointed without consultation of Employment Exchange and in violation of Rule 149 of Co-Operative Societies Rules, 1988, and that therefore he was removed from service. The petitioner admits that the second respondent raised an industrial dispute in I.D.No.36 of 2001 to give him employment with back wages. In the order in I.D.No.36 of 2001, dated 26.10.2004, it was found that the appointment of second respondent as clerk was on permanent basis and that the termination of second respondent from service was without following any procedure, particularly, in tune with principles of natural justice. The second respondent's salary and increments were also referred to in the order of Labour Court.



3. Though the petitioner was set *ex parte* in the proceedings, the petitioner has not challenged the award in the manner known to law and that the Award in I.D.No.36 of 2001 has become final. Later, the second respondent filed a claim petition in C.P.No.20 of 2006 based on the award of Labour Court in I.D.No.36 of 2001 and the entitlement of the second respondent in terms of Award. The Labour Court has directed the petitioner to pay a sum of Rs.4,08,533/- to the second respondent towards arrears of back wages. Aggrieved by the same, the present writ petition is filed.

4. The learned Counsel for the petitioner is unable to demonstrate before this Court, as to how the calculation arrived at by the Labour Court is wrong or erroneous. Though it is stated that the petitioner was appointed on temporary basis on consolidation pay, the Labour Court in the earlier award in I.D.No.36 of 2001 has held that the appointment of second respondent was on permanent basis and that he is entitled to draw monthly salary as per the resolution passed by the Board of Management. It is in the said circumstances, this Court is not inclined to interfere with the order of Labour Court.

5. As a result, this Writ Petition is dismissed and the order passed by the Labour Court, in C.P.No.20 of 2006, dated 01.07.2011 is confirmed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

The Presiding Officer,
Labour Court, Tirunelveli District.

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-95421[F] dated 01/11/2019)

W.P.(MD)No.9409 of 2011
31.10.2019

CMR

MK (18.11.2019) 2P 3C