



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.4438 of 2020

WEB COPY

S.Marimuthu

... Petitioner

vs.

1.The Joint Registrar of Co-operative Societies
District Collectorate Complex
Virudhunagar District 626 001

2.The Deputy Registrar of Co-operative Societies
Narmadha Complex
Panthalkudi Road, Aruppukottai
Virudhunagar District 626 101

3.The Management
R-67, Valliyur Primary Agricultural Co-operative
Credit Society Limited
Valliyur Post, Amathur Via
Virudhunagar District 626 005

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to consider the representation dated 24.01.2020 in view of the orders in M.W.10 of 2001 dated 11.07.2002 and in C.P.No.25 of 2015 dated 26.06.2018 of the Labour Court.

For Petitioner	:	Mr.C.Masilamani
For R1 &R2	:	Mr.M.Karuppasamy Pandian Government Advocate
For R3	:	Mr.C.M.Mari Chellaiah Prabhu

O R D E R

This Writ petition has been filed for a direction to the respondents to consider the representation dated 24.01.2020 in view of the orders in M.W.10 of 2001 dated 11.07.2002 and in C.P.No.25 of 2015 dated 26.06.2018 of the Labour Court.

2.Mr.M.Karuppasamy Pandian, learned Government Advocate takes notice on behalf of the respondents 1 and 2 and Mr.C.M.Mari Chellaiah Prabhu, learned Counsel takes notice on behalf of the third respondent. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

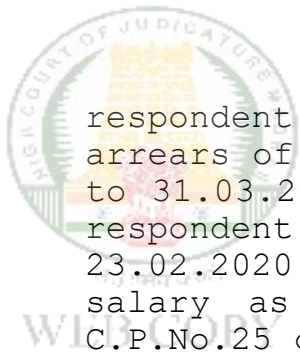


3.The case of the petitioner is that he is working as a Packer at 3rd respondent's Co-operative Credit Society from 01.01.1997 onwards. The third respondent has not paid minimum wages as per Minimum Wages Act. Hence, the petitioner filed a case before the Authority under Minimum Wages Act, Madurai (Deputy Commissioner of Labour) in M.W.10 of 2001 and the case was decided in favour of the petitioner on 11.07.2002 and directed the third respondent to pay a sum of Rs.45,938/- within a period of 30 days from the date of receipt of the order. The grievance of the petitioner is that though he was not paid wages as per the Labour Court order, the respondent delegated him to work as Salesman(Additional in charge) as per Administrative Committee Resolution No.1, dated 17.05.2001 and the respondent has not taken any initiatives to regularize the petitioner's service but utilized his work to various posts without giving the corresponding salary.

4.The learned counsel for the petitioner would further submit that the Government passed G.O(Ms).No.238 dated 19.06.2000 to grant new scale of pay to the fair price shop employees. As per the said G.O, the salary was fixed as Rs.1200-2513-13251-4517-1640. The petitioner was paid only Rs.5,43,030/- and the balance of Rs.1,30,163/- has to be paid by the respondents. Hence, the petitioner filed a petition before the Labour Court, Madurai in C.P.No.25 of 2015 and the Labour Court by an order, dated 26.06.2018, directed the third respondent to pay a sum of Rs.1,30,163/- to the petitioner as arrears of salary for the post of Salesman in charge from 01.05.2001 to 31.03.2015. In view of the above order, the petitioner sent a representation to all the respondents claiming the arrears of wages and salary as ordered in M.W.10 of 2001, dated 11.07.2002 and in C.P.No.25 of 2015, dated 26.06.2018. But, till date, the respondents have not taken any effort to settle the amount as ordered by the Labour Court. Against which, the petitioner is before this Court.

5. Heard the learned counsel appearing for the petitioner; learned Government Advocate appearing for the respondents 1 & 2 and the learned counsel appearing for the third respondent.

6.Perusal of record shows that though the Deputy Commissioner of Labour, Madurai in M.W.10 of 2001 has directed the third respondent to pay a sum of Rs.45,938/- to the petitioner, within a period of 30 days, the third respondent has not paid the same. The petitioner was utilized to various posts without giving the corresponding salary. In these circumstance, the Government passed G.O(Ms).No.238, dated 19.06.2000 to grant new scale of pay to the fair price shop employees. As per the said G.O, the petitioner is entitled to a sum of Rs.6,73,193/-, whereas he was paid only Rs.5,43,030/- and the balance of Rs.1,30,163/- has to be paid by the respondents. Hence, the petitioner filed C.P.No.25 of 2015 before the Labour Court, Madurai where the learned Judge directed the third



respondent to pay a sum of Rs.1,30,163/- to the petitioner as arrears of salary for the post of Salesman in charge from 01.05.2001 to 31.03.2015. But, so far, no action has been taken by the third respondent. Hence, the petitioner sent a representation, dated 23.02.2020 to all the respondents claiming the arrears of wages and salary as ordered in M.W.10 of 2001, dated 11.07.2002 and in C.P.No.25 of 2015, dated 26.06.2018. But, so far, no effort has been taken by the respondents.

7.Considering the facts and circumstances of the case and without advertng to the merits of the case, the respondents are directed to dispose the representation of the petitioner, dated 23.02.2020 within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall send the copy of the representation along with this order copy.

8. With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

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/ /2020

Sub Assistant Registrar(CS)

msa

To:-

1.The Joint Registrar of Co-operative Societies
District Collectorate Complex
Virudhunagar District 626 001

2.The Deputy Registrar of Co-operative Societies
Narmadha Complex
Panthalkudi Road, Aruppukottai
Virudhunagar District 626 101

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.MASILAMANI, Advocate (SR-9663[F] dated 02/03/2020)

+1 CC to M/s.SPL.GP (SR-9756[F] dated 03/03/2020)

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02.03.2020

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