



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

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

W.P.No.20694 of 2014 and
M.P.No.1 of 2014

The Management of
The Tamil Nadu State Apex Co-operative Bank,
No.233, NSC Bose Road,
Chennai - 600 001.

...Petitioner

Vs.

1. The Presiding Officer,
I Additional Labour Court,
Chennai - 104.
2. The General Secretary,
The Tamil Nadu State Apex Co-operative
Bank Employee Union,
No.233, NSC Bose Road,
Chennai - 600 001.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari calling for the records in I.D.No.163 of 2009 on the file of the I Additional Labour Court, Chennai, the 1st respondent herein, quash the award dated 07.03.2014 passed therein.

For Petitioner : Mr.M.R.Raghavan

For Respondent : R1 - Court
M/s.Vedavalli Kumar (R2)

O R D E R

The case of the second respondent before the Labour Court was that two of their members, namely, Mr.M.Palani and Mr.K.Rajaram, were paid less scale of pay when compared to two of their juniors, namely, Mr.K.Muthazhagan and Mr.K.Paneerselvam.

2.Before the Labour Court, the Management Witness - M.W.1 had stated that while Mr.Palani and Mr.Rajaram, who were found



in Sl.Nos.71 and 72 respectively, were fixed with a basic pay of Rs.11,780/- per month, the juniors, namely, Mr.K.Muthazhagan and Mr.K.Paneerselvam, who were found in Sl.Nos.112 and 113 respectively, received a basic pay of Rs.12,400/-, which corresponds to the year 2010. The Labour Court had relied upon the principle of "equal work demands equal pay" and had come to the conclusion that such an anomaly in the scale of pay between seniors and juniors is impermissible.

3.Though the learned counsel appearing for the petitioner/ Management made an earnest attempt to state that the anomaly was sought to be rectified by introducing a Special Pay of Rs.620/- for seniors, the learned counsel appearing for the 2nd respondent would submit that the Special Pay was extended to all the employees and therefore, the question of neutralization of the pay would not arise.

4.This Court is now concerned with the findings rendered by the Labour Court. If at all the Management was of the view that they had attempted to neutralize the anomaly between the scale of pay of seniors and juniors by introduction of Special Pay, it was always open to them to establish it before the Labour Court, which apparently, they had failed. This Court, exercising its powers under Article 226 of the Constitution of India, would only go into the findings of the Labour Court for the limited purpose of analyzing as to whether there is perversity in such findings. When the Management themselves have let in evidence to the effect that there was an anomaly among the seniors and juniors and the Labour Court had consequently applied the principle of "equal work demands equal pay", I do not find any perversity in such a finding. Consequently, no interference would be required to the finding in the impugned award.

5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

va



To

1. The Presiding Officer,
I Additional Labour Court,
Chennai - 104.

2. The General Secretary,
The Tamil Nadu State Apex Co-operative
Bank Employee Union,
No.233, NSC Bose Road,
Chennai - 600 001.

+1cc to Mr.M.R.Raghavan, Advocate, S.R.No.48287
+2ccs to M/s.Vedavalli Kumar, Advocate, S.R.No.48152

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