



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1945 of 2021

Rayappan

...Petitioner/Petitioner

Vs.

1.Presiding Officer,
Labour Court,
Tirunelveli.

2.The President,
K.V.90, Karungal Farmers Service Co-operative,
Society Limited,
Karungal-629 157.

... Respondents/Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to fix the salary as per category of sales man of the second respondent Society in pursuant of G.O.M.S.No.137, dated 09.11.2015 issued by the Government of Tamil Nadu.

For Petitioner : Mr.V.M.Balamohan Thampi

For Respondents : Mr.C.Ramar

Additional Government Pleader

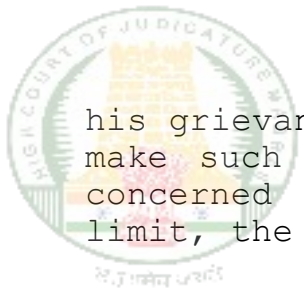
O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.The grievance of the petitioner is that he is entitled to have salary fixed in the category of Salesman in the second respondent Society, for which purpose, the present writ petition has been filed.

3.Such a decision is within the domain of the second respondent herein, which could be made after consideration of various factors and the regulations governing such fixation of salary and this Court may not be justified in stepping into the shoes of the second respondent and direct them to fix the petitioner's salary.

4.While issuing writ of mandamus, one of the underlying factor which requires to be taken into account is as to whether the petitioner had approached the concerned Statutory Authority to redress his grievances and thereafter, invoke the powers of this Court under Article 226 of the Constitution of India, when the Statutory Authority do not act on the representation of the petitioner. In the instant case, there is nothing on record to show that the petitioner had approached the second respondent to redress



his grievances. As such, if liberty is granted to the petitioner to make such a representation with a consequential direction to the concerned respondent to consider his representation within a time limit, the ends of justice could be secured.

5. In the light of the above observations, the petitioner is granted liberty to make a representation to the second respondent ventilating his grievances and on receipt of such representation, the second respondent herein shall consider the same on its own merits and take appropriate course of action in accordance with law, at least within a period of eight weeks from the date of receipt of the representation.

6. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. Presiding Officer,
Labour Court,
Tirunelveli.

2. The President,
K.V.90, Karungal Farmers Service Co-operative,
Society Limited,
Karungal-629 157.

+1 CC to M/s.V.M.BALAMOHAN THAMBI, Advocate (SR-3831[F] dated 08/02/2021)

W.P. (MD) No.1945 of 2021
05.02.2021

NA(CO)
KB(22.02.2021) 2P 4C