



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9755 of 2021

S.Albert

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Joint Director,
Primary Agricultural Co-operative Bank,
District Collectorate Office Campus,
Nagercoil, Kanyakumari District.

3.The Special Officer,
Y.192, Kolvel Primary Agricultural Co-operative Bank Ltd.,
Kolvel, Thiruvarambu Post,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay the award amount of Rs.1,33,934/- with interest @ 7.5% from the date of claim petition No.30/2005 on the file of the Labour Court, Tirunelveli and the award dated 13.07.2011 by considering the petitioner's representation dated 20.04.2021 within the period stipulated by this Court.

For Petitioners : Mr.Ananth C.Rajesh

For Respondents : Mr.P.Thilak Kumar

Standing Counsel for the Government

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents to pay the award amount of Rs.1,33,934/- with interest @ 7.5% from the date of claim petition No.30/2005 on the file of the Labour Court, Tirunelveli, and the award, dated 13.07.2011, by considering the petitioner's representation, dated 20.04.2021.



4. The case of the petitioner is that the father of the petitioner was working as a Sales Assistant in the third respondent's Society on 19.05.1976. The salary fixed by the Government was not implemented by the third respondent and lesser amount was paid to the petitioner's father. For difference of salary from 01.07.1992 to 30.06.1997, the petitioner's father has filed a claim petition in C.P.No.3152 of 1994 before the Labour Court, Tirunelveli. Pending the said claim petition, the petitioner's father has filed another claim petition in C.P.No.30 of 2005. After filing of the said claim petition, the first claim petition was dismissed for default on 30.06.2009 on the ground that the petitioner's father was not able to produce any proof with regard to the employment with the third respondent Society. In the mean time, the petitioner's father has attained the age of superannuation, on 31.07.2000. The petitioner's father filed an application seeking Service Book from the third respondent Society through Right to Information Act and the copy of the same produced before the Labour Court in C.P.No.30 of 2005. Thereafter, the Labour Court has passed an award dated 13.07.2011 to pay a sum of Rs.1,33,934/- with interest at 7.5% from the date of claim petition. Challenging the said award, the third respondent Society has filed a writ petition in W.P(MD)No.13566 of 2011 and the said writ petition was also dismissed for default, on 10.03.2021. In such circumstances, the petitioner's father died on 21.07.2011. Hence, the petitioner has submitted a detailed representation on 20.04.2021 to the respondents. So far, the third respondent has failed to comply with the award passed by the Labour Court. Hence, the present writ petition is filed.

5. The learned counsel appearing for the petitioner would state that it would be suffice if a direction is given to the respondents to dispose the petitioner's representation.

6. The learned standing counsel for the Government would state that the petitioner's representation would be disposed of within a time frame.

7. Considering the submissions of the learned counsel for the petitioner as well as the counsel for the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioner dated 20.04.2021, and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar(Records)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:(i) 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.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Joint Director,
Primary Agricultural Co-operative Bank,
District Collectorate Office Campus,
Nagercoil, Kanyakumari District.

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