



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.297 of 2022

S.K.Vellaingiri

.. Petitioner

vs.

1. The Registrar of Cooperative Societies,
Kilpauk, Chennai 600 010.
2. The Deputy Registrar of Cooperative Societies,
Surampatti, Erode 638 009.
3. The Managing Director,
Erode District Cooperative Printing Press Ltd.,
Erode 638 001. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to dispose the representation dated 07.12.2021, within the stipulated period as prescribed by this court and pass orders.

For Petitioner : Mr.P.Palanisamy

For Respondents : Mr.P.Ganesan, Addl.Gov.Pleader,
for R1 to R3

O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the first respondent to dispose the representation dated 07.12.2021, within the stipulated period as prescribed by this court.

2. Mr.P.Ganesan, learned Additional Government Pleader takes notice for the respondents 1 to 3.

3. The case of the petitioner in brief is as follows:

The petitioner had worked as a Printer in the office of the third respondent and he had retired from service on superannuation on 31.03.2021. According to the petitioner, a settlement was entered into between the respondent Management



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and the employees dated 30.12.1988 under Section 12(3) of the Industrial Dispute Act. Thereafter, a Committee was constituted to suggest revision of pay to the employees, then, as per the Committee's recommendation, the first respondent had issued a proceedings dated 22.02.2021, thereby, clearly stated that, in terms of the settlement, new settlement shall be implemented, and the new wage settlement shall be made for a period of 5 years from 01.04.2019. The Executive Committee of the Erode District Co-operative press Limited has made a resolution to pay the enhanced pay from 01.08.2021, instead of the dated 01.04.2019 fixed by the respondent for the pay fixation.

3.1. Based upon the resolution, the 3rd respondent is now taking steps to fix the pay from 01.04.2019, nominally and to pay the revised wages from 01.08.2021. The contention of the petitioner is that, when the revised pay is paid from 01.04.2021, then the workmen, who retired from service from 01.04.2019 and before 01.08.2021 will be deprived of their legitimate right to get their respective nominal benefits. The similarly placed Thirunelveli District Cooperative Printing Works Limited has fixed the pay of their workmen from 01.04.2019 and ordered to pay the monetary benefits from 01.04.2019. Further, all the benefits recommended by the Committee, as directed by the first respondent have been duly applied, based on the 12(3) Settlement. The petitioner has submitted a representation dated 07.12.2021, seeking the similar relief, before the first respondent. But, it is still pending. Hence this petition.

4. Considering the limited prayer sought for in this writ petition and by consent of both the counsels, without expressing any opinion on merits, this court is inclined to pass order, at the admission stage itself.

5. Accordingly, it is ordered as follows:

The first respondent is directed to consider the representation of the petitioner dated 07.12.2021 and pass orders on its own merits, in accordance with law, within a period of twelve weeks from the date of receipt of the copy of this order.

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

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar



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GPL (CO)
CB(02/02/2022)