



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.02.2022

CORAM

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

W.P.No.28456 of 2004

and

W.M.P.No.34567 of 2004 & W.V.M.P.No.217 of 2007

The Management,
North Arcot District Govt.
Servants' Cooperative Society Limited,
No.C 3858, Fort Round Road,
Bharathiyar Street, Vellore.

..Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Vellore.

2.A.Ganesan

..Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of certiorari, to call for the records of the first respondent relating to the Award dated 15.07.2004 in I.D.No.199/99, quash the same.

For Petitioner : Mr.A.S.Vijayaragavan

For R1 : Court

For R2 : Mr.K.B.Arul

O R D E R

The second respondent herein, who was appointed as a salesman in the petitioner's Society, raised a dispute seeking for promotion to the post of Cashier from the date on which similarly placed salesmen were promoted. Since he did not possess the required qualifications, the dispute ended in failure, which was taken up by the Labour Court in I.D.No.199 of 99. Through an order dated 15.07.2004, the Labour Court found that the salesmen, who did not possess the required qualifications were promoted to the post of Cashier and therefore, on the ground of discrimination, directed the Management to pay the monetary benefits, on par with the persons



2. The learned counsel for the petitioner submitted that the second respondent was not recruited in accordance with the procedure and rules and that he does not have the minimum Educational qualification and therefore, is not entitled for retrospective promotional monetary benefits.

4. I have given careful consideration to the submissions made by the learned counsel on either side. The scope of interference to the Award of Industrial Dispute by this Court, in exercise of its power under Article 226 of the Constitution of India is very minimum and barring a few exceptions like the Award being based on "no evidence etc", re-appreciation of the evidence of the Labour Court is impermissible.

6. It is further stated that the President of the Society had also recommended for the promotion of the second respondent herein, though he did not possess the required qualification, but however the proposal was not acted upon.

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promotion. As such, there are no merits in the present case.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

Pns

To

The Presiding Officer,
Labour Court, Vellore.

+1cc to Mr.A.S.Vijayaragavan, Advocate SR.No.9805

W.P.No.28456 of 2004

MT(CO)
GMY(08/03/2022)