



W.P.(MD).No.11475 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.11475 of 2014

and

M.P.(MD).Nos.1 and 2 of 2014

The Special Officer,
Now The President,
M.D.Special 4 E.Kottaipatti Primary-
Agricultural Co-operative Bank,
Now called as M.D.Special 4 E.Kottaipatti-
Primary Agricultural Co-operative Credit Society,
Through its President S.Pandi,
E.Kottaipatti Post, Peraiyur Taluk,
Madurai District.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Madurai.

2.A.Mahalakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order passed by the first respondent made in C.P.No.34 of 2013 dated 29.09.2011 and quash the same.

For Petitioner : Mr.R.Saravanan

For R-1 : Labour Court

For R-2 : Mr.T.Ravi Chandran



W.P.(MD).No.11475 of 2014

ORDER

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This Writ Petition is filed to quash the order in C.P.No.34 of 2013 dated 29.09.2011.

2. The second respondent was appointed in the petitioner's Society without following the recruitment rules. The petitioner's Society declined to pay salary from 01.04.2001. When the second respondent demanded salary, the petitioner's Society has intimated that the financial status of the Society and informed not to demand salary for the time being. Hence the second respondent has filed Claim Petition in C.P.No.34 of 2003 before the Labour Court seeking to directing the Society to pay the salary from 01.04.2001 to 01.09.2002. It is an admitted fact that the salary was not paid from 01.04.2001 to 02.08.2002. The petitioner's Society however submitted that the Labour Court has granted salary for the next month also but for the month of September, the second respondent did not report to duty. The said claim is declined by the second respondent by stating that the petitioner's Society has deliberately did not allow the second respondent to sign the register and carry out the work.



W.P.(MD).No.11475 of 2014

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3. Since the second respondent has worked in the Society, the second respondent is entitled to salary. As far as the allegation that the second respondent has not reported to duty is concerned, since the second respondent demanded salary frequently, the petitioner society did not allow the second respondent to work. Therefore, this Court is not inclined to accept the plea of the petitioner's Society. The order passed by the Labour Court is confirmed. The petitioner's Society shall pay the amount of Rs.46,634/- (Rupees Forty Six Thousand and Six Hundred and Thirty Four only) within a period of eight (8) weeks from the date of receipt of a copy of this order. If the petitioner's Society not paid the aforesaid amount within eight weeks, the amount shall carry interest of 6% thereof.

4. In view of the above, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

14.12.2022

Index : Yes / No
Internet : Yes/ No
Nsr



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W.P.(MD).No.11475 of 2014

S.SRIMATHY, J.

Nsr

To
The Presiding Officer,
Labour Court, Madurai.

W.P.(MD).No.11475 of 2014

14.12.2022