



WEB COPY



W.P.No.13872 of 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.13872 of 2003

South Arcot District Central
Co-operative Employees Association
rep. by its President,
673, Anna Nagar, Koothapakkam,
Cuddalore – 607 002.

...Petitioner

-Vs-

1. The Presiding Officer,
Labour Court, Cuddalore.
2. Cuddalore District Central
Co-operative Bank Ltd., (South
Arcot Central Co-operative Bank Ltd)
rep. by the Managing Director,
No.1, Beach Road,
Cuddalore – 607 001.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent relating to the Award dated 26.04.2000 passed in I.D.No.83/97 insofar as restricting promotion from 03.06.1989, quash the same and consequently direct the second respondent to promote the petitioner as Assistant Manager on par with



W.P.No.13872 of 2003

his immediate junior by taking into account his entry of service as 01.08.1967 with all consequential benefits.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : R1- Court
Mr.R.Arumugam
for M/s.Aiyar & Dolia [R2]

ORDER

This writ petition has been filed to quash the impugned award dated 26.04.2000 passed in I.D.No.83/97, whereby orders were passed setting aside the order of suspension of one Balakrishnan and directing continuity of service, wages, increment etc., and with further direction to consider the case of the workman for promotion as on 03.06.1989.

2. The Management had already challenged the said award, has filed a writ petition in W.P.No.7961 of 2001 and the workman through its Association had challenged the same in the present writ petition. Orders were passed by this Court in the said writ petition filed by the second respondent/Management, where after taking into consideration the fact that the workman had superannuated as early as on 30.06.1998 had modified the direction issued by the first respondent Tribunal by giving



W.P.No.13872 of 2003

him promotion from 07.09.1992 and also directed to fixation of his salary notionally and further directed to pay the difference in amount to the workman, for which he is entitled to.

3. The said order had not been challenged by the petitioner herein, who was also the second respondent in the said writ petition. Pursuant to the said order, the second respondent had notionally re-fixed his salary and had calculated the difference in amount and that has been paid to the workman Balakrishnan.

4. The General Manager of the second respondent had filed an affidavit affirming the aforesaid facts. The said workman Balakrishnan had also not raised any claim against the second respondent. However, by the order of this Court in the writ petition filed by the Management, the award had been modified and the workman was held to be entitled to the promotion on and from 07.09.1992. The present challenge is to the date on which, the workman was entitled to be promoted has already been decided by this Court in the aforesaid writ petition.

In view of the same, no further adjudication required in this writ



W.P.No.13872 of 2003

petition. Accordingly, this writ petition is closed. No costs.

WEB COPY

24.11.2023

Index : Yes/No
Speaking Order/Non-speaking order
Neutral citation:Yes/No

mp
To

1. The Presiding Officer,
Labour Court, Cuddalore.



WEB COPY



W.P.No.13872 of 2003

K.KUMARESH BABU, J.

mp

W.P.No.13872 of 2003

24.11.2023