



W.P.No.8285 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.8285 of 2011
and M.P.No. 1 of 2011

The Management,
Dharmapuri District Central,
Co-operative Bank,
Represented by its Joint Registrar/Special Officer,
Dharmapuri. ...Petitioner

VS.

1.The Assistant Labour Commissioner,
Controlling Authority under the
Payment of Gratuity Act,
O/o. Joint Commissioner of Labour,
Salem.

2.N.Periyasamy
3.Bakkiyam
4.Tamilarasi
5.Irudhayaraj
6.Manimegalai

... Respondents

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records in P.G.No.20 of



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2008 dated 30.11.2010 on the file of the 1st respondent quash the same and pass such further orders.

For Petitioner : Mr.M.S.Palaniswamy
For R1 : Mr.R.Neethi Perumal
Government Advocate
For R2 : Died
For RR3 to 6 : Mr.T.Sathiya Moorthy
for Mr.Mani Sundar Gopal

ORDER

This Writ Petition has been filed challenging the order passed in in P.G.No.20 of 2008 dated 30.11.2010 on the file of the 1st respondent and to quash the same.

2. Heard Mr.M.S.Palaniswamy, learned counsel for the petitioner and Mr.R.Neethi Perumal, learned Government Advocate appearing for the 1st respondent and Mr.T.Sathiya Moorthy, learned counsel for Mr.Mani Sundar Gopal, learned counsel for the respondents 3 to 6.

3. The learned counsels appearing on either side submitted in



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unison that the *lis* involved in this Writ Petition is no more *res integra* as the same is covered by the judgment of the Division Bench of this Court in W.A.No.1885 of 2010 which has also been confirmed by the Hon'ble Apex Court. The claim of the respondents is that their salary had been wrongly fixed and had approached the 1st respondent and the 1st respondent had passed order impugned herein in favour of the petitioners. In similar circumstances, the learned Single Judge of this Court has upheld the order as confirmed by the Joint Commissioner of Labour who was the Appellate Authority of the 1st respondent dismissing the claim of the Management. In another instance, the Management had sought to revise the pay scale that has been fixed by them earlier and the said issue was taken up by the Sangam to which the workmen were associated by raising a Industrial Dispute, wherein, a Award has been passed against the Management holding that they do not have right to withdraw the earlier pay scale that has been fixed. The said Award was affirmed by the Hon'ble Apex Court. Therefore, the *lis* that had been raised particularly the salary that the 2nd respondent is entitled to had already been set right in the earlier proceedings.



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4. Therefore, I find no infirmity in the order passed by the 1st respondent herein and the Writ Petition is dismissed. However, there shall be no order as to costs. The petitioner is directed to pay a sum of Rs.45,494/- together with statutory interest as ordered by the 1st respondent within a period of four (4) weeks from today.

5. Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.11.2023

gba
Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No.

To

The Assistant Labour Commissioner,
Controlling Authority under the
Payment of Gratuity Act,
O/o. Joint Commissioner of Labour,

4/6



Salem.

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K.KUMARESH BABU, J.

GBA

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