



W.P(MD)No.17411 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17411 of 2020

and

W.M.P.(MD)No.14549 of 2020

The Management
N N 565 Thiruvetrioor Primary
Agricultural Cooperative Credit
Society by its President,
Thiruvetrioor,
Thiruvadanai TK,
Ramanathapuram District.

... Petitioner

Vs.

K.Muniasamy

... Respondent

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 from the Presiding Officer, Labour Court, Madurai passed impugned order made in C.P.No.13/2016, dated 16.10.2019 and quash the same as illegal.

For Petitioner : Mr.R.Saravanan

For Respondent : Mr.V.O.S.Kalaiselvam



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ORDER

Heard the learned counsel on either side.

2. The Management of the Cooperative Society is the writ petitioner. The respondent herein was employed as attendar in the petitioner / society. He was dismissed from service on 22.09.1993. The petitioner raised an industrial dispute and the same was taken on file in I.D.No.131 of 1997 on the file of the Labour Court, Madurai. The dismissal order was set aside. The Management was directed to reinstate the employee in service with continuity of service but without backwages. This award was passed on 28.01.2010. Challenging the same, the Management filed W.P.(MD)No.3875 of 2008. The Writ Petition was dismissed on 30.04.2014. There is nothing on record to show that the writ appeal was filed against the said dismissal order. The petitioner did not reinstate the workman in service immediately thereafter. Only on 01.09.2014, the workman was taken back to service. He worked as attendar. In February 2016, he was posted as salesman. Since the employee was not willing to work as salesman, he did not report for duty thereafter.



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3. The case of the workman is that during the period from 01.09.2014 till January 2016, the petitioner was paid only a sum of Rs.659/- per month. The case of the workman is that actual salary fixed for the post of attendar is Rs.9,162/-. The claimant claimed difference in wages. He therefore filed C.P.No.13 of 2016 under Section 33(C)(2) of the Industrial Dispute Act. The workman examined himself as P.W.1 and Ex.P1 to Ex.P3 were marked. On the side of the management, no evidence was adduced and no document was marked. After consideration of the materials on record, the Labour Court vide order dated 16.10.2019 directed the Management to pay a sum of Rs.1,53,754/- to the claimant within four weeks. It was made clear that if the Management failed to do so, the amount would carry interest at the rate of 8% per annum thereafter till the date of realisation. Questioning the same, the present Writ Petition has been filed.

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

5. I am not able to accept the statement advanced by the learned counsel appearing for the Management.



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6. The facts narrated in the foregoing paragraphs would clearly indicate that the Labour Court had only awarded the difference in wages. The workman has not asked for any sum for the period during which he did not work. He is only asking for the difference in wages for the period during which he worked. The figure mentioned in the impugned order has not been seriously doubted or questioned. In these circumstances, no case for interference in writ jurisdiction has been made out.

7. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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