



WEB COPY



WA.No.537 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

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THE HONOURABLE Mr.JUSTICE **S.M.SUBRAMANIAM**

AND

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WA.No.537 of 2020

M.C.Kuppan

... Appellant

Vs.

1. The Joint Registrar of Co-Operative Societies,
Salem Region, Collectorate Complex,
Collectorate Post,
Salem District.
2. K.K.349, The Dharmapuri District Central
Co-operative Bank Ltd.,
Rep. by its Special Officer,
Dharmapuri-636 701.
3. The General Manager,
K.K.349, The Dharmapuri District Central
Co-operative Bank Ltd.,
Dharmapuri-636 701.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of The Letters Patent, praying to set aside the order dated 27.03.2019 made in WP.No.18351 of 2008 and allow this writ appeal.



WA.No.537 of 2020

For Appellant : Mr.M.Ilansezhiyan
for Mr.G.Ethirajulu
For Respondents : Mr.G.Krishnaraja
AGP for R1
Mr.L.P.Shanmugasundaram
for R2 & R3

JUDGMENT

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The Writ Appeal has been instituted challenging the writ order dated 27.03.2019 in WP.No.18351 of 2008. The Writ Petitioner is the appellant before us. An issued was raised by the appellant before the 3rd respondent-Dharmapuri District Central Co-operative Bank regarding fixation of salary of the appellant in the cadre of Senior Grade Assistant. The rejection order rejecting the claim of the appellant was challenged before the Labour Court. The Labour Court, Vellore adjudicated the issues between the parties and passed an award on 25.04.1997 in I.D.No.409/1992. The Labour Court has granted a direction to the respondent/Central Cooperative Bank to reinstate the appellant with continuity of service. 25% of the back wages from the date of raising dispute before the Labour Officer, Krishnagiri till the date of passing of the award was also granted. The award has not been implemented in its



WA.No.537 of 2020

entirety. The appellant was reinstated in service. But, continuity of service as awarded by the Labour Court has not been granted. Thus, the writ petition is instituted.

2. Labour Court award need not be executed by the writ Court. Industrial Disputes Act provides mechanism for execution of an award passed by the Labour Court. Thus, the appellant ought to have approached the Labour Court for execution of the award passed by the Labour Court. However, he filed a writ petition, which was dismissed. Now, the 3rd respondent-Bank has filed an affidavit calculating 25% back wages to be settled in favour of the appellant. The appellant is at liberty to receive the said amount as calculated by the appellant without prejudice, and to approach the Labour Court for redressing the grievances, if any exist in the manner known to law.

3. With the above observations, this Writ Appeal stands disposed of.
No costs.

[S.M.S., J.] [C.K., J.]
24.06.2024

kmi
Index : Yes
Speaking order : Yes
Neutral Citation : Yes/No



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S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

kmi

To

1. The Joint Registrar of Co-Operative Societies,
Salem Region, Collectorate Complex,
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2. K.K.349, The Dharmapuri District Central
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