



W.A(MD)No.665 of 2016

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 02.01.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE C.KUMARAPPAN**

**W.A(MD)No.665 of 2016
and
C.M.P(MD)No.4301 of 2016**

The Special Officer,
Ramanathapuram District Central Cooperative
Bank Limited,
Ramanathapuram ... Appellant/Ist Respondent

.Vs.

1.K.Subramanaian ... Ist Respondent/Petitioner
2.The Labour Court,
Madurai.IInd Respondent/IInd Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order passed by this Court in W.P.No.1697 of 2006, dated 13.07.2011.

For Appellant : Mr.S.Seenivasagam



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For Respondent-1 :Dismissed vide order dated
26.06.2008

For Respondent-2 :Labour Court.

JUDGMENT

DR.G.JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.

This Writ Appeal is directed against the order of the learned Single Judge while considering the Writ Petition filed by the workman against the award passed in C.P.NO.73 of 2002, dated 23.08.2005.

2.The Writ Petition is based on the claim that the Writ Petitioner employed under the first respondent/management(the appellant herein), was deprived of his Earned Leave Salary since he was subjected to disciplinary proceedings and was placed under suspension. Later, he was found guilty of three charges in the disciplinary proceedings and was imposed with punishment of withholding of increment for a period of three years with cumulative effect. The order of withholding increment for a period of three years with cumulative effect would not be given effect to since the Writ Petitioner had attained superannuation, by



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3. Therefore, the management thought it fit to adjust his earned leave salary towards the notional increment supposed to be withheld and also the balance of Rs.55,000/- was attempted to be recovered from his gratuity. When this was challenged by the Writ Petitioner before the Labour Court, Madurai by way of a claim petition, the same was dismissed on the ground that he did not challenge the order of punishment. When the said order of the Labour Court, Madurai passed in C.P.No.73 of 2002 is challenged before this Court by way of Writ Petition, the learned Single Judge vide order, dated 13.7.2011, has allowed the Writ Petition by setting aside the impugned order passed by the Labour Court and remitted back the matter to the Labour Court, Madurai to adjudicate the claim petition afresh on merits and in accordance with law and with the direction to dispose of the same, preferably, within a period of six months from the date of receipt of the certified copy of the order. The management, aggrieved by the direction, has preferred the present Writ Appeal and the same is pending for the past seven years.



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4.The facts of the case and the reasoning given by the learned Single Judge does not require any interference by this Court. The management has unnecessarily preferred the intra-court appeal without pursuing the claim petition on merits, before the Labour Court.

5.Hence, the Writ Petition is dismissed. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

G.J.,J.] [C.K.,J.]
02.01.2024

Index : Yes / No

Internet : Yes / No

vsn

To

The Presiding Officer,
Labour Court,
Madurai.



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vsn

JUDGMENT MADE IN

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and
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