



WEB COPY



WA(MD)No.2381 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

WA(MD)No.2381 of 2024

D.Chandran

... Appellant

vs.

1. The Management,
The Tamilnadu Consumers Cooperative-
Federation Limited, through its
Special Officer, Chennai.

2. The Presiding Officer,
Labour Court, Madurai.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against
the order dated 26.04.2022 made in W.P(MD)No.9279 of 2013.

For Appellant : Mr.A.Jeyaram
For R1 : Mr.M.S.Suresh Kumar

JUDGMENT

(Judgment of the Court was made by **M.S.RAMESH, J.**)

This intra-court appeal is directed against the order dated

26.04.2022 made in W.P(MD)No.9279 of 2013.

<https://www.mhc.tn.gov.in/judis>



2. When the post of Typist was abolished in the respondent Co-operative Federation, the appellant / writ petitioner, who was originally appointed as a Typist, was reverted back to the Last Grade Servant on 27.11.1987. It is the case of the appellant that though he was reverted as Last Grade Servant, the work of Typist was being extracted from him. Thereafter, in the year 1997, when the post of Typist was sanctioned, he was promoted to the said post. With such a claim, he had filed a petition under Section 33-C(2) of the Industrial Disputes Act, 1947, (ID Act), claiming the salary for the period between his reversion and absorption, that is, between December 1987 and 18.12.1992. The Management disputed the appellant's entitlement to the claim.

3. The learned Single Judge had taken into account of the fact that when there was no sanctioned post of Typist, the appellant cannot claim the salary of Typist. It was further held that such a claim for payment of the alleged arrears of salary, was made after 15 years and therefore, rejected the claim on the ground of delay and laches also.

4. The issue as to whether the appellant would be entitled for the wages during the period between December 1987 and 18.12.1992 is a



disputed set of facts, which may require adjudication. Under Section 33-C(2) of the Industrial Disputes Act, 1947, only the amounts which can be quantified and computed in terms of money alone can be entertained by the Labour Court. Disputed claims requires to be adjudicated as an Industrial Dispute under the provisions of ID Act. Thus, the filing of the application itself would not be maintainable, in view of the disputed claim made.

5. Even otherwise, the appellant who was reverted to the post of Last Grade Servant in the year 1987 and put in a lesser time scale of pay, did not choose to challenge the order of reversion. Having failed to do so, it would not be now open to him, that too after 18 long years, to make a claim for computation of arrears of salary.

6. As such, we do not find any illegality in the order of the learned Single Judge and hence the Writ Appeal stands dismissed. No costs.

(M.S.R, J.) (A.D.M.C, J.)
28.11.2024

Index : Yes / No
Neutral Citation : Yes / No



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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

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JUDGMENT MADE IN
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