

(2004) 06 MAD CK 0107

In the Madras High Court

Case No : W.P.M.P. No. 5908 of 2004 and W.V.M.P. No. 607 of 2004 in Writ
Petition No. 5079 of 2004

Management of Coimbatore District Consumer Co-operative
Wholesale Stores Ltd.

APPELLANT

Vs

Inspector of Labour and Others

RESPONDENT

Date of Decision : 24-06-2004

Acts Referred:

Citation : (2005) 1 LLJ 461

Hon'ble Judges : K. Raviraja Pandian, J

Bench : Single Bench

Advocate : P. Anbarasan, for the Appellant; Row and Reddy, for the Respondent

Final Decision : Dismissed

Judgement

K. Raviraja Pandian, J.—These petitions coming on for hearing upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Sri P. Anbarasan advocate for the petitioner in W.P.M.P. No. 5908 of 2004 and for the first respondent in W.V.M.P. No. 607 of 2004, and of Row and Reddy, advocate for the respondents in W.P.M.P. No. 5908 of 2004 and for the respondents 2 to 4 and petitioners in W.V.M.P. No. 607 of 2004, the Court made the following order:

Interim stay granted already is modified as follows:

2. I heard the arguments of the learned counsel for the writ- petitioner, who very strenuously contended that the order impugned in the writ petition is totally against the judgment of the Division Bench in L. Justine and Another Vs. The Registrar of Coop. Societies and Others, , and the fixation of cadre strength is pending before the Government. In such circumstances, the order impugned in the writ petition cannot be given effect to, unless or otherwise the Government has approved the cadre strength. It is the further contention of the learned counsel for the writ-petitioner that the appointment itself is against the statutory

provisions of the Co-operative Rules and the respondents were not qualified to be appointed as per the Co-operative Societies Act and Rules.

3. However, on persual of the order it is made clear that the order impugned would not be considered as one passed against the judgment of the Division Bench in Justine v. Registrar of Co-operative Societies, Chennai and Ors. case (supra). The authority has also recorded a finding that the respondents are qualified as prescribed in the Co-operative Societies Act, and the appointment is also in accordance with the procedure contemplated under the Co-operative Societies Act.

4. As seen from the records, the respondents were appointed in the year 1992. The authority under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act has granted the relief by his order, dated December 30, 2003, with effect from October 23, 1995. Now that the authority has given a finding as to the qualification of the respondents and their mode of appointment in favour of the respondents herein, which is based on materials. Prima facie, the case of the petitioner cannot be accepted for denying the benefits conferred on the respondents.

5. For the foregoing reasons, I am of the view that the interest of justice would be met, if the petitioner is directed to pay the wages to the respondents on par with permanent workers atleast from the date of impugned order, i. e., December 30, 2003. The arrears from January 2004 till date is directed to be paid to the respondents within twelve weeks from today. The salary payable for the month of June 2004 has to be paid on par with the permanent employees. Consequently, W.V.M.P. No. 607 of 2004 is dismissed.