

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.1.2005

CORAM:

THE HONOURABLE MR.MARKANDEY KATJU, THE CHIEF JUSTICE

AND

THE HONOURABLE MR. JUSTICE D.MURUGESAN

W.A. No. 227 of 2000

B.Mutlur Primary Agricultural
Co-operative Bank Ltd., E.2596 by its
President, Cuddalore District. Appellant/1st Respondent
in WP

Vs.

1. P.Manivannan
2. The Deputy Registrar of
Co-operative Societies,
Cuddalore Circle,
Cuddalore District. Respondents/Petitioner
2nd Respondent in WP.

Prayer: Appeal under clause 15 of the Letters Patent against
the order of this Court in W.P. No.10503 of 1992 dated
26.11.1999.

For appellant :: Mr.S.Balasubramanian

For respondents :: No appearance for R-1

Mr.V.Raghupathi,
Govt. Pleader for R-2.

JUDGMENT

(Judgment of the Court was delivered by
The Hon'ble Chief Justice.)

This writ appeal has been filed against the impugned
judgment of the learned single Judge dated 26.11.1999. We have
heard Mr.S.Balasubramanian for the appellant and Mr.V.Raghupathi,
learned Government Pleader for the second respondent. None has

appeared for the first respondent even though the name of Mr.S.Krishnasamy has been shown in the cause list.

2. The appellant is the agricultural co-operative bank and the first respondent was its daily wage clerk. Against the termination of his service he filed a writ petition in this Court which has been allowed by the impugned judgment.

3. In our opinion this appeal deserves to be allowed on the short ground that the first respondent had an alternative remedy of raising an industrial dispute and there was no occasion for this High Court to entertain the writ petition directly for adjudication about the validity of the termination order vide *Scooters India v. V.E.V.Eldred* (1999-III-LLJ(Supp) 138) and *Management of GE Power Controls India (Pvt) Ltd. & another v. Workmen of GE Power Controls India Pvt. Ltd. & others* (2005-1-L.W. 126). Moreover the first respondent was only a temporary employee and it is well settled that a temporary employee has no right to the post vide *State of U.P. v. Kaushal Kishore Shukla* {(1991)1 SCC 691}. The petitioner was only a daily wager. The writ appeal is allowed and the impugned judgment is set aside. No costs. Consequently CMP No.1997 of 2000 is closed.

28.1.2005

ns.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Deputy Registrar of Co-operative Societies,
Cuddalore Circle, Cuddalore District.

2. The President,
B.Mutlur Primary Agricultural
Co-operative Bank Ltd. E-2596
Chidambaram Taluk, Cuddalore District

1 cc to Mr.S.Balasubramanian, Advocate, SR.3193

gm (co)
dv

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