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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 2040 of 2026

and

WA Nos. 2065 , 2049 & 2035 of 2026

S. Maheswari
W/o.P.Govindaraj,
No.7, Karupparayan Kovil Street,
Thirumugan Nagar, 5th Cross,
Linganur Post,
Coimbatore 641 041.

..Appellant(s)

Vs

The Management
K.2069, Primary Agricultural Co-Op Credit
Society,
Veerakeralam,
Coimbatore 641 007.

..Respondent(s)

WA No. 2065 of 2026

S.Sasikala
W/o.P.Senthil kumar,
No.24, Mudupayya Colony, Veerakeralam,
Coimbatore - 641007.

..Appellant(s)

Vs

The Management
K2069 Primary Agricultural Coop Credit Society,
Veerakeralam,
Coimbatore - 641007.

..Respondent(s)

WA No. 2049 of 2026

S.Maheswari
W/o.P.Govindaraj, No.7, Karupparayan Kovil
Street,Thirumugan Nagar, 5th Cross, Linganur



Post, Coimbatore -641 041.

..Appellant(s)

Vs

The Management
K2069 Primary Agricultural Coop Credit Society,
Veerakeralam, Coimbatore-641 007.

..Respondent(s)

WA No. 2035 of 2026

S.Sasikala
W/o. P. Senthil Kumar,
No.24, Mudupayya Colony,
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Vs

The Management
K2069 Primary Agricultural Coop Credit Society,
Veerakeralam,
Coimbatore - 641007.

..Respondent(s)

WA No. 2040 of 2026

Writ Appeal filed under Clause 15 of Letters Patent to set aside the Impugned Order dated 08.04.2025 in WP.No.34604 of 2019 passed by the Honble High Court, Madras.

WA No. 2065 of 2026

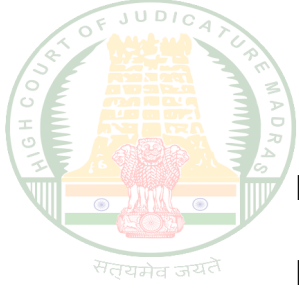
Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 08-04-2025 in WP.No.34604 of 2019 passed by the Honble High Court, Madras.

WA No. 2049 of 2026

Writ Appeal filed under Clause 15 of Letters Patent to set aside the Impugned Order dated 08.04.2025 in WP.No.5108 of 2023 passed by the Honble High Court, Madras.

WA No. 2035 of 2026

Writ Appeal filed under Clause 15 of Letters Patent to set aside the Impugned Order dated 08.04.2025 in WP.No. 5104 of 2023



For Appellants: Mr.A.Deivasigamani

For Respondent(s):

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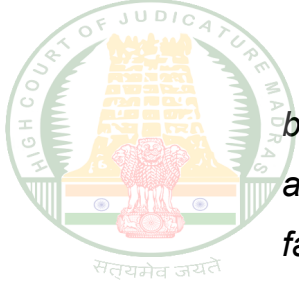
Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Writ Appeals have been instituted challenging the common writ order dated 08.04.2025. The appellants are employees of Primary Agricultural Cooperative Credit Society, Veerakeralam, Coimbatore. They have raised industrial dispute challenging the order of termination of their service under Section 2A(2) of the Industrial Disputes Act. The Additional Labour Court, Coimbatore, adjudicated the issue and passed an award, setting aside the order of termination and granted reinstatement with continuity of service. The Management was directed to pay 50% of backwages and other attendant benefits to the petitioners for the entire period of non-employment. Challenging the award, the Management of the Co-operative Society preferred the writ petition.

2. The writ Court, considered the issues and made a finding that the issue to be considered is only grant of backwages to the tune of 50% as ordered by the Labour Court in its award. Paragraph No.10 of the writ Court order provides reasons, which is extracted hereunder:

10. Now, the only issue that arises for consideration in these writ petitions is with regard to the award of 50% of



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backwages to the workmen. The main ground on which the award of 50% backwages were granted was on account of the fact that the workmen were not paid subsistence allowance during the period of suspension till raising of industrial disputes and, thereafter, there was no material to substantiate that the Management had allowed the workmen to report for duty. It is also to be noted at this juncture that it is the specific stand of the Management that they have reinstated the workmen, which is not disputed by the workmen. Further, the workmen have also not placed any materials to show that during the period of their dismissal from service, the workmen were not gainfully employed. The mere assertion of the workmen that there was no written order with regard to their reinstatement alone cannot suffice to grant 50% backwages, when it is the ratio laid down by the courts that the concept of 'No Work, No Pay' will come into play in case of dismissal of the workmen unless the workmen proves that they were not gainfully employed. Therefore, in the said scenario, grant of 50% backwages to the workmen cannot be sustained on the materials placed before the Labour Court.

3. It is not in dispute that the appellant, Smt.S.Sasikala has already been reinstated in service and working as of now and the appellant, Smt.S.Maheswari, alone retired from service. They have not filed any proof to establish that they were not gainfully employed. On that ground, the writ Court allowed the writ petitions. That apart, the appellants are the employees of the Co-operative Society and they are governed by the Special by-laws of the Society approved by the Registrar of Co-operative Societies. Their service



conditions are governed under Rule 149 of the Tamil Nadu Co-operative Societies Rules and the revisional authority is the Registrar of Co-operative Society. However, the appellants had approached the Labour Court and the writ Court also decided the issue and this Court is not inclined to go into the said aspect of the matter.

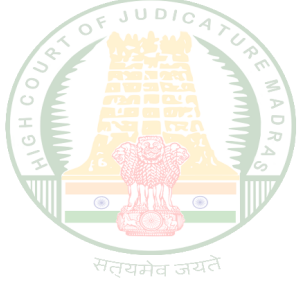
4. For all these reasons, this Court does not find any perversity in the writ orders impugned. Consequently, Writ Appeals are dismissed. No costs.

(S.M.S.,J.) (N.S.,J.)
28-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

vs

To
The Management
K2069 Primary Agricultural Coop Credit Society,
Veerakeralam, Coimbatore-641 007.



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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

vsi

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