

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

C O R A M:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR.JUSTICE P. DEVADASS

W.A.No.1592 of 2015

C. 2466, Mittur Primary Agricultural
Co-operative Credit Society Ltd.,
rep. By its President,
Vaniambadi Taluk, Vellore District. Appellant

Vs

- 1 The Registrar
Office of the Registrar of Co-operative
Societies No.170 NV Natarajan Maaligai
EVR Salai Kilpauk Chennai-10.
- 2 The Joint Registrar
Office of The Joint Registrar Co-operative
Societies Vellore Region Vellore District.
- 3 R.Loganathan Respondents

Prayer:-Appeal filed under Clause 15 of Letters Patent to set aside the order dated 03.07.2015 passed in M.P.No. 1 of 2015 in W.P. No.19459 of 2015. MP.NO.1 of 2015, Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleaded to grant ad interim stay of order passed by the second respondent in vide order No.Na.Ka.5898 of 2014 A-2 dated 12.12.2014.

WP.No.19459 of 2015 : Writ Petition filed Under Section 226 of Constitution of India, to issue a Writ of Certiorarified calling for the records pertaining to the impugned decision passed for the second respondent in to order Vide Na Ka 8898 of 2014, A-2 dated 12/12/2014 and to quash the same.

For appellants : Mr.S. Rajasekar

For respondents : Mr. L.P.Shanmugasundaram
R1 & R2

J U D G M E N T

(Delivered by SATISH K. AGNIHOTRI,J.,)

The instant intra Court appeal is filed against the interim order dated 03.07.2015 passed in M.P.No.1 of 2015 in W.P.No.19459 of 2015.

2. For the sake of brevity, clarity and convenience, the parties are referred to as per their arrangement in the instant intra-Court appeal.

3. The third respondent was an employee of the appellant-Co-operative Society. Several charges were levelled against him and after conducting domestic enquiry, punishment of dismissal from service was imposed on him. Assailing his dismissal, the third respondent-employee preferred a revision before the second respondent/ Joint Registrar of Co-operative Societies under Section 153 of the Tamil Nadu Co-operative Societies Act (for short "The Act"), wherein, the order of dismissal passed by the appellant was set aside vide order dated 12.12.2014 and the appellant was directed to re-instate the third respondent-employee in service, immediately. Thereagainst, the instant writ petition was filed by the appellant society. The learned single Judge, while taking cognizance of the matter, granted interim stay on condition that the appellant shall either re-instate the third respondent-employee in service in accordance with the order of the Revisional Authority or to pay the last drawn wages, till the disposal of the writ petition, every month.

4. Learned counsel appearing for the appellant-society submits that inasmuch as the dismissal order was set aside by the revisional authority, the impugned conditional stay order is not proper and in the event, the appellant-society succeeds, it will be difficult for the appellant-society to recover the last drawn wages paid.

5. The learned single Judge, considering all aspects of the matter and relying on the object and scope of the provisions of Industrial Disputes Act, 1947, wherein, Section 17-B prescribes that in the pending proceedings before the Courts, the workman is entitled to payment of last drawn wages, has given two options i.e., either to reinstate the third respondent-employee or to pay last drawn wages, till the disposal of the writ petition. Needless to state that the third respondent-employee has succeeded before the revisional

authority and as such, we do not find any infirmity in the order passed by the learned single Judge and the impugned order is unexceptionable warranting no interference.

6. Accordingly, this intra-Court appeal stands dismissed. No costs. Connected miscellaneous petition is also dismissed.
Ra

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

- 1 The Registrar
Office of the Registrar of Co-operative
Societies No.170 NV Natarajan Maaligai
EVR Salai, Kilpauk,
Chennai - 600 010.
 - 2 The Joint Registrar,
Office of The Joint Registrar,
Co-operative Societies,
Vellore Region, Vellore District.
- + 1 C.C. To MR.M.S.Palaniswamy, Advocate in SR.NO.60626
- + 1 cc to The Govt.Pleader, Sr 61149 (5/1/16)

W.A. No.1592 of 2015

KJI (CO)
sd : 17/11/2015

सत्यमेव जयते

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