

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.04.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.13385 OF 2016

P.Thamilalagan

...Petitioner

Vs.

1. The Mohanur Cooperative Primary Agricultural,
and Rural Development Bank Ltd.,
rep. by its President,
Mohanur, Namakkal Taluk and District.
2. The Deputy Registrar of Cooperative Societies,
Namakkal.
3. The Joint Registrar of Cooperative Societies,
Namakkal.
4. The Deputy Commissioner of Labour,
Cum Appellate Authority under the
Tamil Nadu Shops and Establishments Act,
Salem.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 to 3 to implement the order passed by the fourth respondent, viz., Deputy Commissioner of Labour Cum Appellate Authority under the Tamil Nadu Shops and Establishments Act, Salem, made in Ka.No.Sa.09/2006, dated 29.05.2015, within a reasonable time.

For Petitioner : Mr.T.Dhanyakumar

For Respondents : Mr.L.P.Shanmughasundaram
Special Government Pleader

O R D E R

Heard Mr.T.Dhanyakumar, the learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, accepting notice on behalf of respondents. With the consent of parties, the main Writ Petition is taken up for final disposal at the stage of admission.

2. The petitioner has filed this Writ Petition praying for issuance of Writ of Mandamus to direct the respondents 1 to 3 to implement the order and direction issued by the fourth respondent, dated 29.05.2015. By the said order, the fourth respondent has set aside the order of termination, thereby, directing reinstatement of the petitioner in service with continuity of full backwages. As on date, the order passed by the fourth respondent has not been challenged by the first respondent/Society, but, it is seen that one of the Members of the first respondent/Society, by name G.Raja approached this Court by filing a Writ Petition in W.P.No.107 of 2016, praying for a direction to the Deputy Registrar of Cooperative Societies, Namakkal, to ensure that the order passed by the fourth respondent herein, dated 29.05.2015, is appealed against. During the course of hearing the Writ Petition, it came to light that there were conflict of opinions given by the local government pleaders as to whether the Appeal should be preferred or not. Therefore, the relief sought for in the Writ Petition filed by G.Raja was rejected. However, this Court issued a direction that the Deputy Registrar of Cooperative Societies, Namakkal, may seek the opinion of Mr.L.P.Shanmugasundaram, learned Special Government Pleader, High Court, Madras, and based on his opinion, it is open to the Authorities to proceed in accordance with law.

3. Today, when this Court posed a question to Mr.L.P.Shanmugasundaram, the learned Special Government Pleader, whether the Deputy Registrar of Cooperative Societies, Namakkal, sought for his opinion, the learned Special Government Pleader submits that none of the Authorities of the respondent/Society has approached him for any opinion. Thus, it is clear that the Society does not propose to file any Appeal against the order passed by the fourth respondent, dated 29.05.2015. In any event, it is almost one year since the Society suffered the order and as on date, no steps have been taken by the Society to file any Appeal. Even assuming that steps are taken hereafter, then, delay for almost one year has to be explained by the Society.

4. In the light of the above, there will be a direction to the first respondent to implement the order passed by the fourth respondent, dated 29.05.2015, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The President,
Mohanur Cooperative Primary Agricultural,
and Rural Development Bank Ltd.,
Mohanur, Namakkal Taluk and District.
2. The Deputy Registrar of Cooperative Societies,
Namakkal.
3. The Joint Registrar of Cooperative Societies,
Namakkal.
4. The Deputy Commissioner of Labour,
Cum Appellate Authority under the
Tamil Nadu Shops and Establishments Activities,
Salem.

+ 2 ccs to MR.T. Dharyakumar, Advocate SR.22673 & 22577
+ 1 cc to MR.L.P. Shanmugasundram, Advocate SR.22676
+1 cc to Government Pleader SR NO 23156[9/6/16]

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VD(CO)
Eu 02.05.16

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