



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.16029 of 2016

M.Alaguraman

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Society,
Madurai Region,
Madurai-2.
2. The Deputy Registrar of Co-operative Society,
Madurai Zone,
Madurai.
3. The President,
A1248, Sri Meenakshi Mills Thozhilalars
Co-operative Stores Limited,
No.61-A, V.P.Complex,
Thirupparankundram Road,
Vasanthanagar,
Madurai-3.

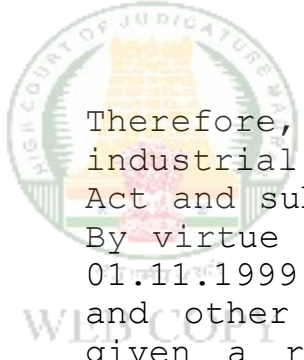
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to reinstate the petitioner in service vide order dated 04.06.2015 passed in TNSE No.13/2014 on the file of the Assistant Commissioner of Labour, Tamil Nadu Shop and Establishment, Madurai, within the stipulated time as fixed by this Court.

For Petitioner	: Mr.K.Seemaraj
For R1 and R2	: Mr.T.R.Janarthanan, Additional Govt. Pleader
For R3	: Mr.Aairam K.Selvakumar Government Advocate

O R D E R

The petitioner was appointed as a Pump Operator on 01.02.1998. While he was serving till 30.09.1999, he was removed from service by the third respondent without any notice.



Therefore, challenging the order of removal, he has raised industrial dispute under Section 12(3) of the Industrial Disputes Act and subsequently, a settlement was also reached on 01.11.1999. By virtue of the settlement, he has been reinstated in service on 01.11.1999. But the Special Officer again dismissed the petitioner and other employees on 30.06.2000. Hence, the petitioner has given a representation on 30.05.2001, seeking reinstatement of service on sympathetic ground. But a reply was given to the petitioner stating that there was no vacancy. Finally, the order of dismissal was challenged under Section 41(2) of Tamil Nadu Shops and Establishment Act before the Assistant Commissioner of Labour. Considering the fact that the service of the petitioner was dismissed without following the procedure, quashed the dismissal order on 04.06.2015 and the said order has not been appealed. Therefore, the petitioner has given another representation dated 20.07.2015, enclosing the order copy passed by the Assistant Commissioner of Labour to the third respondent. But till date, the representation has not been considered by the third respondent.

2. Mr.Ayiram K.Selvakumar, learned Government Advocate appearing for the third respondent submitted that the third respondent has already sent a proposal to the Joint Registrar of Co-operative Society, Madurai Region, Madurai, requesting them to reinstate the petitioner, as per the order passed by the Assistant Commissioner of Labour. But the order is awaited.

3. Mr.T.R.Janarthanan, learned Additional Government Pleader appearing for the respondents 1 and 2 sought only some reasonable time.

4. This Court considering the fact that the order of dismissal passed by the Special Officer, on 16.11.2013, having been set aside by the Assistant Commissioner of Labour, on 04.06.2015 and keeping in mind another fact that the third respondent also sent a proposal to the Joint Registrar of Co-Operative Society, on 18.12.2015, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-II)

/True Copy/



To

1. The Joint Registrar of Co-operative Society,
Madurai Region,
Madurai-2.

2. The Deputy Registrar of Co-operative Society,
Madurai Zone,
Madurai.

3. The President,
A1248, Sri Meenakshi Mills Thozhilalars
Co-operative Stores Limited,
No.61-A, V.P.Complex,
Thirupparankundram Road,
Vasantha Nagar,
Madurai-3.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 48116

AKV

TE/GSV-PM : 08/09/2016 : 3P/5C

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