

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1443 of 2017
and
C.M.P.No.19406 of 2017

1. The Director of Handlooms and Textiles (Functional Registrar Tamil Nadu Co-operative Societies Act), Office of the Director of Handlooms and Textiles, Chennai 600 108.
 2. The Assistant Director Handloom and Textiles, Office of the Assistant Director of Handloom and Textiles, Erode.
 3. The Management of Myladi Weavers Cooperative Society Ltd., rep. by its President Myladi Weavers Cooperative Society Ltd., Chennimalai, Erode District.
- Appellants

Versus

1. C.Ragupathy
2. Mr.K.Thirumoorthy
3. Mr.R.Thangarasu
4. Mr.V.R.Periyasamy
5. Mr.R.Muthusamy
6. Mr.S.Thangarasu
7. Mrs.R.Jothimani
8. Mrs.P.Sumathi
9. Mr.M.Puthiyaraj
10. Mr.M.Kanagaraj
11. Mr.P.Marappan

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 4.9.2017 passed in W.P.No.13159 of 2014 on the file of this court.

WP.No.13159 of 2014 Prayer:preferred under Article 226 of the Constitution of India to issue a Writ in the nature of certiorari calling for the records relating to the order made in Rc.No.41321/2013/H 2-1 dated 21/04/2014 on the file of the

Director of Handlooms and Textiles/first respondent herein and quash the same.

For appellant : Mr.S.T.S.Murthy, AAG assisted by
Mr.L.P.Shanmugasundaram
Special Government Pleader
For R1 : Mr.S.Natanarajan

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties on the point.

2. It appears that based on certain complaints against the first respondent herein, while he was working as Manager in the appellant-Society, disciplinary proceedings was initiated against him and a punishment of reversion was imposed in the year 2011, however, after three years viz., on 21.4.2014, it was revised by the first appellant herein, suo motu, and the first respondent herein was imposed with a punishment of dismissal from service against which, the first respondent had moved the writ petition and obtained an order in his favour, which is under challenge in the present writ appeal.

3. On going through the order passed by the learned Single Judge, we find that the learned Single Judge, having found that the punishment was imposed by suo motu revision without compliance of principles of natural justice, set aside the same and directed for reinstatement of the writ petitioner with all attendant benefits.

4. Having regard to the nature of charges and the fact that the suo motu revision was made behind the back of the first respondent, we do not find any reason to interfere with the order passed by the learned Single Judge. However, with regard to backwages is concerned, we make it clear that the period from the date of dismissal till the date of reinstatement, would be treat as leave without salary applying the well settled principle of 'no work, no pay'. but, with continuity of service for the said period. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

ssk

To:

1. The Director of Handlooms and Textiles (Functional Registrar Tamil Nadu Co-operative Societies Act),
Office of the Director of Handlooms and Textiles,
Chennai 600 108.
2. The Assistant Director Handloom and Textiles,
Office of the Assistant Director of Handloom and Textiles, Erode.
3. The President,
The Management of Myladi Weavers Cooperative Society Ltd.,
Myladi Weavers Cooperative Society Ltd.,
Chennimalai, Erode District.

+1cc to Mr.L.P.shanmugasundaram, Advocate SR.No.81615
+4cc to Mr.S.Natanarajan, Advocate SR.No.81242
+1cc to Government Pleader SR.No.82010

W.A.No.1443 of 2017

RSY(CO)
GN(20/12/2017)



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