

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Sixteenth day of February Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE M.SUNDAR

WMP No.2546 of 2017

IN WP.17603/2016

SELVI S. RAJESWARI

[PETITIONER]

Vs

1 THE ADDITIONAL REGISTRAR OF
COOPERATIVE SOCIETIES, CHENNAI REGION,
TANFED BUILDING, RAJA ANNAMALAIPURAM,
CHENNAI-600 028

[RESPONDENTS]

2 THE SOCIAL WELFARE DEPARTMENT
EMPLOYEES COOPERATIVE THRIFT AND CREDIT
SOCIETY, XC 35, REP BY ITS PRESIDENT,
CHEPAUK, CHENNAI-600 005

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an ad interim order directing the 2nd respondent/petitioner Society to pay a sum of Rs.3,75,840/- (20 months 6 days) being the arrears of wages from the date of dismissal on 25.4.2015 upto December 2016, with 18% interest p.a. and continue to pay the monthly wages of Rs. 18,606/- as applicable to the petitioner in (WMP No.2546/2017 in WP.17603/2016).

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.R.JEYARAM, Advocate for the petitioner and of M/S. R.PREM Narayan Advocate for the 2nd Respondents the court made the following order:-

Second respondent in the main Writ Petition, namely, one S.Rajeswari was employed as Clerk in Social Welfare Department Employees Co-operative Thrift and Credit Society Ltd. [for brevity "the said Society"]. Certain disciplinary proceedings were initiated against her and by an order dated 25.04.2015, she was dismissed from service.

2. The said S.Rajeswari assailed this by way of a statutory Revision under Section 153 of the Tamil Nadu Co-operative Societies Act [for brevity "the said Act"]. After detail hearing, the Revisional Authority passed an order setting aside the order of

dismissal, but, clearly held that the period of dismissal of S.Rajeswari, shall be treated as leave without wages.

3. The said Society assailed this by way of a Review under Section 154[1] of the said Act. In and by an order dated 01.04.2016, the Review also came to be dismissed, confirming the order of the Revisional Authority.

4. It is submitted by the learned counsel for S.Rajeswari that she has not assailed the order of the Revisional Authority or that of the order passed in Review thereafter.

5. Further, it is brought to the notice of the Court that she has filed W.P.No.26445 of 2016, with a prayer to mandamus the authorities to implead the order in review.

6. Therefore, it is clear that the orders passed in the Revision as well as in the Review have become final, qua S.Rajeswari, 2nd respondent in the main Writ Petition.

7. Under the circumstances set out supra, the said S.Rajeswari, in any case is not entitled to wages for the period, from the date of dismissal to her date of reinstatement as the same shall be treated as "leave without wages" [inverted commas and underlining made to supply emphasis].

8. Writ Petition was admitted on 01.06.2016. S.Rajeswari has come out with the above Miscellaneous Petition, with a prayer for an interim direction to the said Society to pay a sum of Rs.3,75,840/-, which according to her, is the arrears of wages from the date of dismissal, namely, 25.04.2015 up to December 2016, with 18% interest p.a. She has also asked for a prayer to continue payment of the monthly wages at the rate of Rs.18,606/-.

9. From the narration above, as the petitioner in this Miscellaneous Petition [2nd respondent in the main Writ Petition, namely S.Rajeswari] will in any case not be entitled to wages for the said period, as she has given quietus and sought mandamus to the authorities to implement the order.

10. Therefore, there is no ground to entertain this Miscellaneous Petition and the same is dismissed. It is open to the parties to move the Roster Judge for hearing of the main Writ Petition.

-sd/-
16/02/2017
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL REGISTRAR OF
COOPERATIVE SOCIETIES, CHENNAI REGION,
TANFED BUILDING, RAJA ANNAMALAIPURAM,
CHENNAI-600 028

2 THE SOCIAL WELFARE DEPARTMENT
EMPLOYEES COOPERATIVE THRIFT AND CREDIT
SOCIETY, XC 35, REP BY ITS PRESIDENT,
CHEPAUK, CHENNAI-600 005

C.C. to MR.R.JEYARAM Advocate on SR NO.2015

Order

in
WMP.2546/2017

in
WP.17603/2016

Date :16/02/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
ADD 22.02.2017