



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2017

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

W.P. (MD) No.1200 of 2017

and

W.M.P (MD) No.1015 of 2017

M.Meyyappan

.. Petitioner

Vs.

The Managing Director/Deputy Registrar,
RS.837, Sivagangai District Consumer Cooperative
Wholesale Stores Limited,
Karaikudi,
Sivagangai District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the proceedings pursuant to the order dated 31.8.2016 in Na.Ka.No.1538/2014 PT(1) of the respondent herein and quash the same and consequently direct the Respondent herein to reinstate the Petitioner herein as Cashier in the respondent society w.e.f.30.09.2014 with all attendant benefits.

For Petitioner : M/s.AL.Ganthimathi

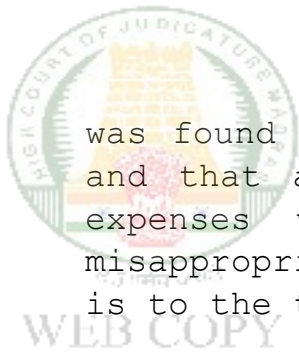
For Respondent : Mr.M.Rajarajan
Government Advocate

O R D E R

This Writ Petition has been filed, seeking for issuance of a writ of Certiorarified Mandamus calling for the records relating to the proceedings pursuant to the order, dated 31.8.2016 in Na.Ka.No.1538/2014 PT(1) of the respondent herein to reinstate the Petitioner herein as Cashier in the respondent society w.e.f.30.09.2014 with all attendant benefits.

2.Mr.M.Rajarajan, learned Government Advocate takes notice for the respondent. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that the Petitioner was working as Cashier in the respondent-co-operative stores at Karaikudi, Sivagangai District. For deficit of stock, the Petitioner was removed from charge and placed under suspension and pursuant to issuance of charge on 30.11.2015, an enquiry was conducted and it



was found that there was a stock deficit to the tune of Rs.4 lakhs and that a sum of Rs.3 lakhs and above, have been incurred as expenses without any proper vouchers and said to have been misappropriated Rs.3 lakhs and thus the loss caused to the society is to the tune of Rs.8 lakhs.

4. Not satisfied with the explanation, dated 4.12.2016, an Enquiry Officer was appointed and based on enquiry, he was removed from service by order dated 31.8.2016 by the Managing Director of the Corporation, which is the subject-matter of the Writ Petition. Admittedly the Petitioner is a workman under the provisions of Section 2(S) of the Industrial Disputes Act and he has to raise an Industrial Dispute and put-forth his plea before the Labour Forum and the said forum is empowered to consider the claim of the Petitioner under Section 11(A) of the said Act to interfere with the punishment, if the said labour forum/tribunal is satisfied with the plea of the Petitioner.

5. In view of the fact that an alternative remedy is available to the Petitioner and that disputed facts of question have arisen in this matter, this Writ Petition is not maintainable and hence the same stands dismissed. However, if the Petitioner raises an industrial dispute within the time prescribed in the Industrial Disputes Act, then the said forum is directed to consider the same in accordance with law. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

The Managing Director/Deputy Registrar,
RS.837, Sivagangai District Consumer Cooperative
Wholesale Stores Limited,
Karaikudi, Sivagangai District.

+1cc to Mr.AL.Ganthimathi ,Advocate, SR.No. 4371

+1cc to Special Government Pleader, SR.No. 4503

**W.P. (MD) No.1200 of 2017
and**

**W.M.P (MD) No.1015 of 2017
25.01.2017**