

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 12.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA**W.P. (MD) No.12849 of 2017**

P.Sanapathi

... Petitioner

Vs.

1. The Madurai Zonal Joint Registrar
Madurai District Cooperative Societies, Madurai.
2. The Management
M.D.Special - 109 Valandhur Primary Agricultural
cooperative Bank Limited,
Valanthur, Usilampatti Taluk, Madurai District
3. The Management
A2373 A Pudhupatti Primary Agricultural
Cooperative Credit Society,
A.Pudhupatti, Poothipatti Post,
Usilampatti Taluk, Madurai District
4. The President,
A Pudhupatti Primary Agricultural
Cooperative Credit Society,
A.Pudhupatti, Poothipatti Post,
Usilampatti Taluk
Madurai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to directing the 4th respondent to reinstate the petitioner in service with continuity of service, pursuant to the judgment made in I.D.No.76 of 2012 dated 06.01.2016 passed by the Labour Court, Madurai within the time stipulated by this Court.

For Petitioner	: Mr.K.Seemaraj for Mr.P.Banuprasath
For Respondents	: Mr.R.Karthikeyan Additional Government Pleader

ORDER

By consent of both sides, this writ petition itself is taken up for final disposal.



2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The petitioner has come to this Court seeking a writ of mandamus to direct the 4th respondent to reinstate the petitioner in service with continuity of service, pursuant to the judgment made in I.D.No.76 of 2012 dated 06.01.2016 passed by the Labour Court, Madurai within the time stipulated by this Court.

4. The learned counsel for the petitioner would submit that the petitioner was appointed as a Salesman in a Fair Price Shop at Pasukkaranpatti of the third respondent on 21.03.1992. Subsequently, he was transferred to the 2nd respondent Society. While so, on 21.06.2007, the Senior Inspector attached to the Public Distribution System inspected the Fair Price Shop and found that certain irregularities in the distribution of goods and hence, the petitioner was placed under suspension on 22.06.2007 and a charge memo was issued on 26.12.2008. But he was not paid with any subsistence allowance. Without paying the subsistence allowance, the Management proceeded with the enquiry by keeping the petitioner in object poverty. As a result, the petitioner was not able to defend his case properly. The petitioner has also submitted his explanation to the charge memo. Subsequently, the Enquiry Officer was appointed, who also submitted a report as early as on 20.06.2009. Finally, the Special Officer passed an order on 31.07.2009 stopping the annual increment for four years with cumulative effect. However, the Management has not permitted him to join duty by revoking the order of suspension.

5. It is his further contention that after several representations to take him back, he was also dismissed from service, by order dated 12.02.2010. Challenging the same, the petitioner raised Industrial Dispute on the file of the Labour Court, Madurai in ID No.76/2012 and the labour Court has also passed an award vide order dated 06.01.2016, holding that the punishment of dismissal imposed against the petitioner was not justified and directed the respondents 2 and 3 to reinstate the petitioner in service with continuity of service within three months from the date of receipt of the order, but without backwages and other monetary benefits. However, it is submitted by the learned counsel for the petitioner that no writ petition has been filed challenging the said award passed by the labour Court.

6. The learned Additional Government Pleader has also reiterated the said submission that no challenge has been made to the award of the labour Court.

<https://hcservices.courts.gov.in/hcservices/> of the above, since the said award has not been challenged by the respondents, the respondents are directed to



reinstate the petitioner by implementing the award of the labour Court in ID No.76/2012 dated 06.01.2016 within a period of four weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

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A Pudhupatti Primary Agricultural
Cooperative Credit Society,
A.Pudhupatti, Poothipatti Post,
Usilampatti Taluk, Madurai District.
5. The labour Court, Madurai.

+1cc to M/S.P.BANU PRASATH, Advocate SR.No.78245.
+1cc to Special Government Pleader, SR.No.78650.

W.P. (MD) No.12849 of 2017
12.09.2017

RR
SDS/SKN/SAR 2/26.10.2017/3P/8C