

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.07.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.18596 of 2019

T.Sankar

... Petitioner

Vs.

1.The Registrar of Co-operative Societies
170, EVR Periyar Road,
Kilpauk, Chennai 600 010.

2.The Joint Registrar of Co-operative Societies
Dharmapuri District, Dharmapuri.

3.The Special Officer,
S.422, Nedumaruthi Primary
Agricultural Co-operative Bank
At Veeroji Palli,
Nedumaruthi Post 635 115.
Krishnagiri Taluk & District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to reinstate the petitioner in service in terms of the award passed in Lok Adalat in W.P.No.31664 of 2004 dated 09.12.2017 pay arrears of wages from January 2018 onwards till the actual reinstatement.

For Petitioner : Mr.Balan Haridas

For RR 1 and 2 : Mr.D.Venkatachalam
Additional Government Pleader

For 3rd Respondent : Mr.M.S.Palanisamy

ORDER

The earlier writ petition was filed against the order of termination in W.P.No.31664 of 2004. The matter was referred for exploring possibility of settlement before the Lok Adalat and before the Lok Adalat, the management agreed to reinstate the workman within a period of 15 days and the reinstatement will be effected with continuity of service without back wages. Recording the agreement reached between the management and the

workman, the writ petition was closed, as settled between the parties, by the learned Judge of this Court, who adjudicated the matter in the National Lok Adalat held on 09.12.2017.

2.Despite the agreement and the closure of the writ petition between the parties, the management has not reinstated the workman and therefore, the petitioner is once again before this Court seeking a direction to the 3rd respondent to reinstate the petitioner in terms of the agreement entered into between the management and the workman on 09.12.2017 in W.P.No.31664 of 2004.

3.When the matter is taken up for hearing, on behalf of the 3rd respondent, Mr.M.S.Palanisamy has entered appearance and he is unable to come up with explanation as to why the compromise, which was reached between the parties, is not given effect to by reinstating the workmen into service as per the undertaking by the management. Mr.D.Venkatachalam, learned Additional Government Pleader has entered appearance on behalf of the respondents 1 and 2.

4.When this Court confronted with the learned counsel appearing for the 3rd respondent as to why the petitioner has not been reinstated, despite the agreement dated 09.12.2017, he vaguely submitted that there is some objection from the 1st respondent and due to which, the reinstatement could not be ultimately ordered. However, the learned Additional Government Pleader for the respondents 1 and 2 would submit that they have no objection in reinstating the petitioner in service in terms of the award of the National Lok Adalat dated 09.12.2017.

5.In view of the same, the Writ Petition is disposed of and the 3rd respondent is directed to reinstate the petitioner within a period of one week from the date of receipt of a copy of this order, in terms of the settlement reached between the parties in the National Lok Adalat proceedings held on 09.12.2017 in W.P.No.31664 of 2004. The petitioner is also entitled to be paid arrears of wages from January 2018 till the actual reinstatement, since there appears to be no valid reasons forth coming for non implementation of the undertaking given by the management towards reinstatement of the petitioner herein. The 3rd respondent is directed to comply with the direction with the time stipulated without any further default. No costs.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

Sgl

To

1.The Registrar of Co-operative Societies
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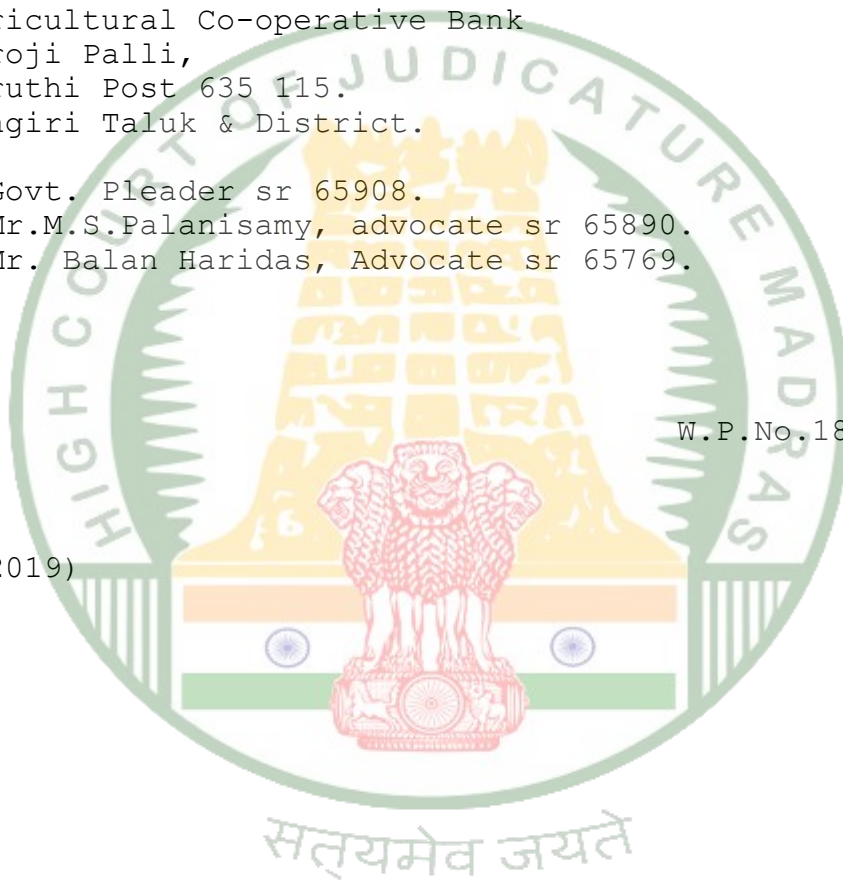
+1 CC to Govt. Pleader sr 65908.

+1 CC to Mr.M.S.Palanisamy, advocate sr 65890.

+1 CC to Mr. Balan Haridas, Advocate sr 65769.

W.P.No.18596 of 2019

SP(29/08/2019)



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