



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

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THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.31445 of 2014

R.Balaguru

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Co-operative Societies,
Ariyalur Region,
Ariyalur District.

2.The Deputy Registrar of
Co-operative Societies,
Ariyalur Region,
Ariyalur District.

3.The President,
Y-A 89, Periyathukurichi Primary
Agiruclutural Co-operative Credit Society,
Periyathukurichi & Post,
Kavarapalayam via,
Udayarpalayam Taluk,
Ariyalur District.

4.The Assistant Commissioner of Labour,
Trichy District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS, directing the first to third respondents herein to forthwith implement the order passed by the fourth respondent in his proceeding in Na.Ka.Aa.No.21/2014 dated 12.05.2014.

For Petitioner: Mr.K.Govindaraj for
Mr.N.Suresh

For R1, R2 & R4: Ms.T.Girija,
Government Advocate

For R3 : Mr.L.P.Shanmugasundaram
Special Government Pleader



O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS, directing the first to third respondents to forthwith implement the order passed by the fourth respondent in his proceeding in Na.Ka.Aa.21/2014 dated 12.05.2014.

2.The short point involved in this writ petition is that challenging the termination order passed by the third respondent society. The petitioner approached the fourth respondent under Section 2A of the Industrial Disputes Act, 1947. Pursuant to the same, after deliberation 12(3) Settlement was arrived at on 12.05.2014, between the parties before the fourth respondent in and by which the petitioner has to be reinstated in service with continuity of service and all consequential benefits without packages. The settlement was arrived at only based on the counter filed by the third respondent accepting the fact that the petitioner was wrongly dismissed from service. As per the settlement arrived at before the fourth respondent, the petitioner ought to have been reinstated with continuity of service in the third respondent society. But the third respondent instead of reinstating the petitioner has been delaying the same for no reasons whatsoever which is against the letter and spirit of the 12(3) Settlement. Since the petitioner was not reinstated in accordance with the 12(3) Settlement, the petitioner approached the respondents on several occasions to implement the settlement arrived at before the fourth respondent on 12.05.2014 in its fullest sense, but everything went in vain. He further submitted that seeking implementation of the settlement dated 12.05.2014 arrived at before the fourth respondent, the petitioner made a representation dated 10.09.2014 to the respondent and the same is pending till date. Hence, the petitioner filed this Writ Petition before this Court.

3.The learned Government Advocate appearing for the respondent Nos.1, 2 and 4 on instruction would submit that the petitioner has not challenged the suspension order passed by the respondent society.

4.It is also further submitted by the learned Government Advocate that the petitioner preferred a revision under Section 153 of the Co-operative Societies Act and the said revision was dismissed. Challenging the said order, a Writ Petition also filed before this Court and the same was dismissed on 23.04.2019 without disclosing the correct fact and approaching the fourth respondent. The third respondent had entertained a 12(3) Settlement between the parties. When the second respondent had the knowledge to the order passed by the fourth respondent. The



second respondent ought not taken action to entertain 12(3) Settlement between the respondent society. The second respondent has also not placed any material before this Court, for taking action against the third respondent Society, for not disclosing the fact before the fourth respondent to enter the 12 (3) Settlement between the parties. Therefore, in the absence of any materials, this Court finds no merit in the contention of the second respondent.

5.It is also not disputed by the parties concerned that the second respondent had not taken any action against the third respondent society for entering 12(3) Settlement agreement between the parties. Therefore, this Court assumes that the second respondent had not agitated the matter and not taken action for cancellation of the said order.

6.In view of the above said fact and submission, this Court is inclined to direct the second respondent to pass appropriate orders by directing the third respondent to implement the order of the fourth respondent, if there is no legal impediment, as expeditiously as possible, within a period of four months from the date of receipt of a copy of this order.

7.With the above observations, this Writ Petition stands disposed of. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To

- 1.The Joint Registrar of Co-operative Societies,
Co-operative Societies,
Ariyalur Region,
Ariyalur District.
- 2.The Deputy Registrar of
Co-operative Societies,
Ariyalur Region,
Ariyalur District.
- 3.The President,
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Periyathukurichi & Post,



Kavarapalayam via,
Udayarpalayam Taluk,
Ariyalur District.

4.The Assistant Commissioner of Labour,
Trichy District.

+1 CC to Mr.L.P.Shanmugasundaram, Advocate sr 40443.
+1 CC to Mr.N.Suresh, Advocate sr 40145.
+1 CC to Mr.K.Govindaraj, Advocate sr 39651.
+1 CC to Spl. Government. Pleader(CO OP) sr 39558

W.P.No.31445 of 2014

RV(CO)
SP(16/08/2019)