

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Fifteenth day of September Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKESAVALU

WMP No.15598 of 2020

in WP.No.9207 of 2020

THE MANAGEMENT [PETITIONER]
REP. BY ITS SECRETARY INCHARGE,
T.P.SPECIAL 30, ZAMIN UTHUKULI, PRIMARY
AGRICULTURAL CO OPERATIVE CREDIT SOCIETY,
BODIPALAYAM ROAD, ZAMIN UTHUKULI POST,
POLLACHI-642 004.

Vs

S.SIVASUBRAMANIAM [RESPONDENTS]

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India praying to Modify the conditional order of this Honourable Court dated 04/08/2020 in W.M.P.No.11232 of 2020 in W.P.No.9207 of 2020 in respect only to permit the petitioner to take fixed deposit in the petitioners credit society instead of any nationalized bank.(in WMP.No.15598/2020)

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.D.UDHAYASURIYAN, Advocate for the petitioner and of MR.BALAN HARIDOSS, Advocate on behalf of the respondents the court made the following order:-

Heard Mr.D.Udhayasuriyan, Learned Counsel for the Petitioner and Mr.Balan Haridas, Learned Counsel for the Respondent and perused the materials placed on record apart from the pleadings of the parties.

2.The Labour Court in the order dated 31.10.2018 in C.P.No.39 of 2014, which is impugned in this Writ Petition, had on the basis of the audit report filed by the Petitioner which had been marked as exhibit R1 determined that the sum of Rs.3,00,994/- as due towards provident fund by the Petitioner to the Respondent. In terms of Section 78(2) of the Tamil Nadu Co-operative Societies Act, 1983, any provident fund established by the Petitioner ought to have been invested in its financing bank and could not form part of its asset or used for business. Since the Petitioner had not complied with the same, the Respondent had been constrained to approach the Labour Court to recover the provident fund amount

from the Petitioner. As the conduct of the Petitioner has been untrustworthy, there does not appear to be any justification to modify the order passed by this Court on 04.08.2020 by directing investment of the amount due with the Petitioner itself instead of a Nationalized Bank, that would protect the interests of all parties concerned.

In that view of the matter, this application for modification of the order dated 04.08.2020 in W.M.P.No.11232 of 2020 in W.P.No.9207 of 2020 is dismissed.

-sd/-
15/09/2020

/ TRUE COPY /

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

TO

SECRETARY INCHARGE,
MANAGEMENT, T.P.SPECIAL 30,
ZAMIN UTHUKULI PRIMARY AGRICULTURAL
CO-OPERATIVE CREDIT SOCIETY,
BODIPALAYAM ROAD, ZAMIN UTHUKULI POST,
POLLACHI - 642 004.

COPY TO

1. S.SIVASUBRAMANIAM
S/O. SOMALINGAM PILLAI,
8A, MUTHUSAMY KURUKU SANTHU,
ANNAIMALAI - 642 104.
2. THE PRESIDING OFFICER,
LABOUR COURT, COIMBATORE.

C.C. to M/S.S.SARAVANAN, Advocate on payment of necessary charges

C.C. to MR.BALAN HARIDOSS, Advocate on payment of necessary charges

WEB COPY
Order
in

WMP No.15598 of 2020

in WP.No.9207 of 2020

Date :15/09/2020

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