

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :12.3.2021

DELIVERED ON: 01.04.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.NO.5205 OF 2021

AND

W.M.P.NO.5774 OF 2021

K.K.Ramaswamy

... Petitioner

vs.

1. Co-operative Deputy Registrar/Sales Officer,
Office of the Deputy Registrar of Co-operative Societies,
Coimbatore, Rathinasabapathypuram,
Coimbatore 641 002.

2. Regional Manager,
Tamilnadu Co-operative Marketing
Federation, Coimbatore.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to dispose of the Dispute No.256/97-98 SaPa 1 pending on the file of the first respondent, at the earliest possible, based on the file of the first respondent, at the earliest possible, based on the representation dated 28.10.2020 by the petitioner.

For Petitioner : Mr.C.D.Sugumar

For R1 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

ORDER

This writ petition is filed for a mandamus directing the first respondent dispose of the Dispute No.256/97-98 pending on the file of the first respondent at the earliest considering the petitioner's representation dated 28.10.2020.

2. The case of the petitioner is that he was employed Junior Assistant in the second respondent's office and he has been slapped with the charge memo in the year 1988 with an allegation that he has misappropriated a sum of Rs.31,00,000/- during the

period from 22.9.1997 to 29.9.1997, when he was in charge for the godown at Pollachi. Based on the charge memo, a domestic enquiry was conducted and the petitioner was also removed from service as the charges were proved. Aggrieved against the order of removal from service, the petitioner raised an Industrial Dispute in ID No.24 of 2003 on the file of the Labour Court, Coimbatore. The second respondent also raised an Industrial Dispute under section 90 of the Tamil Nadu Co-operative Societies Act, 1983 before the first respondent and the first respondent, by order dated 30.7.1999, passed an award directing the petitioner and another employee to pay a sum of Rs.4,25,130/- to the Society alongwith 18.5% interest. As against that order, the petitioner preferred an appeal before the Principal District Court, Coimbatore in Appeal No.193 of 2000 and the same was also disposed of by the Principal District Court remanding the dispute to the Tribunal by its order dated 28.11.2007.

3. The learned counsel appearing for the petitioner submits that the Industrial Dispute raised by the petitioner before the Labour Court, Coimbatore in I.D.No.24 of 2003 has also been decided in favour of the petitioner by order dated 24.1.2017 with a direction directing the Society to pay a sum of Rs.3,00,000/- as compensation to the petitioner in lieu of reinstatement, backwages and other attendant benefits.

4. The grievance of the petitioner in this petition is that as per the orders of the Principal District Court, Coimbatore in Appeal No.193 of 2000, the Dispute raised by the second respondent in Dispute No.256/1997-98 under Section 90 of the Tamil Nadu Co-operative Societies Act has been remanded with the direction to conduct the trial afresh and to pronounce the orders within a period of two months, however, even after lapse of 12 years, the said Industrial Dispute No.256/1997-98 has not been decided so far and therefore, this petitioner has filed this writ petition for a mandamus directing the first respondent to dispose of I.D.No.256/1997-98 at the earliest based on the representation of the petitioner dated 28.10.2020.

5. Considering the fact that the proceedings in I.D.No.256/1997-98 is pending for more than 12 years, this court, by order dated 4.3.2021, directed the first respondent to file a Report on the reasons for the delay in disposing I.D.No.256/1997-98 for the past 12 years.

6. Pursuant to the same, the first respondent has filed a Report dated 9.3.2021 stating various reasons for the delay that the parties to the litigation have dragged the proceedings for several hearings and also filed a C.M.A. and C.R.P. as against the interim orders and dragged the proceeding conveniently.

7. Though the Report refers to some proceedings till the year 2016, it appears that there is no proceedings after 2016 however, this court, without expressing anything on the merits in the claim of the petitioner, directs the first respondent to complete the proceedings in Dispute No.256/1997-98 and dispose of the same in accordance with law within a period of six months from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is allowed. No costs. The connected Miscellaneous Petition is closed.

9. The Registry shall mark a copy of this order to the Registrar of Cooperative Societies, who, in turn, shall also issue necessary instructions to the respective authorities concerned to expedite the similar proceedings pending with them and complete the same within a reasonable time taking note of the loss suffered by the Societies.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. Registrar of Cooperative Societies,
Chennai.
2. Co-operative Deputy Registrar/Sales Officer,
Office of the Deputy Registrar of Co-operative Societies,
Coimbatore, Rathinasabapathypuram,
Coimbatore 641 002.
3. Regional Manager,
Tamilnadu Co-operative Marketing
Federation, Coimbatore.

+1cc to Mr.C.D.Sugumar, Advocate, S.R.No.21793

+1cc to the Spl.Government Pleader(Co-Op), S.R.No.21915

W.P.No.5205 of 2021

PP(CO)
CS/27/04/2021