



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.11170 of 2021

S.Gunasekaran

...Petitioner

vs.

- 1.The Joint Registrar of Cooperative Societies,
Tiruppur Region, Door No.407, 4th Floor,
Collectorate Building, Tiruppur-641 604.
- 2.The Deputy Registrar of Cooperative Societies,
Dharapuram Circle,
Dharapuram Agricultural Producers Cooperative
Marketing Society Ltd., Compound,
Tiruppur District.
- 3.No.AA217, Vellakovil Primary Agricultural
Cooperative Credit Society Ltd., Rap
by its President,
Muthur Road, Vellakovil-638 111.
Kangeyam (Taluk), Tiruppur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to issue appropriate direction to the third respondent herein to settle all the monetary benefits due to the petitioner within a reasonable period of time together with interest @ 12%.

For Petitioner : Mr.K.V.Shanmuganathan

For Respondents : Mrs.S.Anitha,

Special Government Pleader for R1 & R2

Mr.L.P.Shanmugasundaram for R3

O R D E R

The petitioner was working as a Clerk in the 3rd respondent Society during the year 1983 and he was terminated from service with effect from 28.02.1984. The order of



termination was passed by the then Management of the third respondent Society was set aside by the Labour Court, Salem in I.D.No.32 of 1993. The Labour Court had passed the award on 14.09.1995 granting reinstatement with backwages, continuity of service and all other attendant benefits. W.P.No.124 of 1996 preferred by the Management against the award of the Labour Court, Salem was dismissed on 01.02.2002. W.A.No.712 of 2002, preferred against the same was also dismissed on 11.07.2007. During the pendency of the writ appeal, the petitioner was reinstated into service with effect from 14.06.2007. The petitioner subsequently got promoted as Assistant Secretary with effect from 31.12.2007 and while that being so, based on a frivolous complaint given by the All Employees Association, the petitioner was directed to be demoted by the Registrar of Cooperative Societies. The said order was also set aside by the Secretary to Government on 03.12.2010 vide G.O.(2D)No.134 for violation of principles of natural justice in passing the order of demotion.

2. The order of demotion was set aside by the revisional authority / Joint Registrar on 07.04.2014 and challenging the same, the third respondent Society preferred W.P.No.14383 of 2014, which was also dismissed on 31.01.2019. The Writ appeal filed by the third respondent in W.A.No.1818 of 2019 was also dismissed and so also the Rev.Appl.No.101/2021 was dismissed. Subsequently, the petitioner made several representations to the respondents seeking to settle all the monetary benefits due to him and since there was no response, the petitioner has filed the present writ petition.

3. Mr.L.P.Shanmugasundaram, learned counsel for the third respondent would submit that the representation of the petitioner would be considered and appropriate orders will be passed after taking note of the earlier order passed by the Labour Court as well as the orders of this Court.

4. In the light of the above, this Court directs the first respondent to consider the petitioner's representation dated 26.09.2010 and after affording opportunity to the petitioner as well as the third respondent, shall pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. It is also open to the petitioner to furnish additional particulars, if any, to the first respondent within a period of one week from the date of receipt of a copy of this order.



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5. The Writ Petition stands disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Jvm

- 1.The Joint Registrar of Cooperative Societies,
Tiruppur Region, Door No.407, 4th Floor,
Collectorate Building, Tiruppur-641 604.
- 2.The Deputy Registrar of Cooperative Societies,
Dharapuram Circle, Dharapuram Agricultural Producers
Cooperative
Marketing Society Ltd.,Compound, Tiruppur District.

+1 CC to The Government Pleader sr 2222
+1 CC to Mr.K.V.Shanmuganathan, Advocate sr 22075.

W.P.No.11170 of 2021

PL(CO)
SP(11/04/2022)