



W.A.No.1370 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.12.2022

Coram:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Writ Appeal No.1370 of 2016

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The Mohanur Co-operative Primary
Agricultural and Rural Development
Bank Ltd.,
Rep. by its President,
Mohanur, Namakkal District-637 015.

.. Appellant

Vs.

1. P.Tamilalagan
2. The Deputy Registrar of Co-operative Societies,
Namakkal.
3. The Joint Registrar of Co-operative Societies,
Namakkal.
4. The Deputy Commissioner of Labour-cum-
Appellate Authority under the
Tamil Nadu Shops and Establishments Act,
Salem.

.. Respondents



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Writ Appeal No.1370 of 2016 filed under Clause 15 of the Letters Patent against the order dated 11.04.2016 passed by the learned Single Judge, in W.P.No.13385 of 2016 on the file of this Court.

Writ Petition No.13385 of 2016 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to implement the order passed by the fourth respondent, viz., Deputy Commissioner of Labour-cum-Appellate Authority under the Tamil Nadu Shops and Establishments Act, Salem, made in Ka.No.Sa.09/2006, dated 29.05.2015 within a reasonable time.

For appellant : Mr.P.K.Shivakumar

For respondents: Mr.R.Prem Narayanan for R-1

Mr.E.Ranganayaki, Addl.G.P. for RR-2 to 4

JUDGMENT

The present appeal has been preferred by the Management, challenging the order passed by the learned Single Judge, directing the Management of the Co-operative Bank to implement the order of the Deputy Commissioner of Labour, who is the appellate authority under the Tamil Nadu Shops and Establishments Act. The learned Single Judge has held that the employee had the benefit of the order passed by the authority under the

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Shops and Establishments Act, setting aside the termination and that there was no challenge to the said order, which made him to give specific direction to implement the order of the authority, dated 29.05.2015. Against the order passed by the learned Single Judge, the present appeal has been preferred by the Management.

2. Learned counsel for the appellant/Management contended that subsequent to the filing of the present appeal, the Management had preferred W.P.No.22231 of 2016 before this Court and had also obtained stay of the order of the authority under the Shops and Establishments Act, on 04.07.2016, which is still in force.

3. Since the person employed had the benefit of the order passed by the Shops and Establishments Authority, which has been directed to be implemented by this Court on 14.04.2016 in W.P.No.13385 of 2016 and that there is subsequent development, wherein the order of the authority under the Shops and Establishments Act, had been stayed by this Court on 04.07.2016, we are not inclined to keep the present Writ Appeal pending.

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4. Accordingly, we direct the appellant/Management to implement the order passed by the authority under the Shops and Establishments Act, as confirmed by the learned Single Judge of this Court, if the order impugned in W.P.No.13385 of 2016, is not reversed or if modified.

5. With the above observations/direction, the present Writ Appeal is disposed of. There shall be no order as to costs.

(S.V.N.,J) (M.S.Q.,J)
20.12.2022

Speaking Order: Yes/no
cs

To

1. The Deputy Registrar of Co-operative Societies, Namakkal.
2. The Joint Registrar of Co-operative Societies, Namakkal.
3. The Deputy Commissioner of Labour-cum-Appellate Authority under the Tamil Nadu Shops and Establishments Act, Salem.

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S.VAIDYANATHAN, J

and

MOHAMMED SHAFFIQ, J

CS

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