



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.7941 of 2019

R.Arumugam

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Collectorate Office,
Dindigul.

2.The Deputy Registrar of Co-operative Societies,
Lakshmipuram Extention,
Palani, Dindigul District.

3.The President,
D.D.556, Gujiliamparai Primary Agri Co-operative
Credit Society, Gujiliamparai,
Vedasandur Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to reinstate the petitioner into service with back wages and all other attendant benefit based on the order of joint Commissioner for labour Dindigul, dated 19.07.2018 within time frame to be fixed by this Court.

For Petitioner

: Mr.S.Kumar

For R1 and R2

: Mr.M.Ramesh

Government Advocate

For R3

: Mr.D.Shanmugarajasetupathi

ORDER

The relief sought for in the present writ petition is to direct the respondents to reinstate the petitioner into service with back wages and all other attendant benefits.

2.The petitioner admittedly was appointed as a Salesman in Gujiliamparai Primary Agri Co-operative Credit Society. Disciplinary proceedings were initiated against the petitioner regarding certain financial irregularities and a criminal case was also registered. After completing the departmental disciplinary proceedings, the petitioner was terminated from service. The petitioner approached the competent authorities under the Tamil Nadu Shops and



Establishment Act. The petition filed by the workman was allowed. The Management filed a writ petition in W.P(MD)No.7521 of 2019 challenging the order passed under the Tamil Nadu Shops and Establishment Act.

3.The learned counsel appearing for the petitioner made a submission that even before receiving notice in the said writ petition, the present writ petition has been filed. In any event, once an award was passed by the competent authority under the Tamil Nadu Shops and Establishment Act, no writ petition is maintainable for a direction to reinstate the petitioner. Such a writ petition is misconceived and to be considered as unnecessary. The rights of the petitioner to be crystallized in the writ petition filed by the Management challenging the award passed by the competent authority under the Tamil Nadu Shops and Establishment Act.

4.This being the factum, the writ petition is not maintainable and accordingly, the same stands dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ns

To

1.The Joint Registrar of Co-operative Societies,
Collectorate Office,
Dindigul.

2.The Deputy Registrar of Co-operative Societies,
Lakshmipuram Extention,
Palani, Dindigul District.

+1 CC to M/s.SPL.GP (SR-17875[F] dated 11/04/2022)

+1 CC to M/s.D. SHANMUGARAJA SETHUPATHI, Advocate (SR-17709[F]
dated 11/04/2022)

W.P. (MD)No.7941 of 2019
08.04.2022

SRR(CO)

KB(26.04.2022) 2P 5C