



W.P.No.22533 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.22533 of 2023
and
WMP.No.21973 of 2023

M.Geetha

...Petitioner

Vs.

1. The Joint Commissioner of Labour,
Shops and Establishment Appellate Tribunal,
Trichy.
 2. The Deputy Registrar of Cooperative Societies,
Melakottai Vasal, Nagapattinam Circle,
Nagapattinam - 611 003, Nagapattinam District.
 3. The Management,
Rep. by its President,
10707 Sikkal Primary Agricultural Cooperative Credit Society,
Sikkal & Post, Nagapattinam - 611 108.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 & 3 to implement the order passed by the 1st respondent in his Appeal No.Thi.Ka.Ni.Sa.Mae.Mu. No.2/2022 dated 02.05.2023 to reinstate the petitioner into service with all attendant benefits, monetary benefits, backwages to the petitioner.



W.P.No.22533 of 2023

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.S.Prem Kumar, GA, for R1 & R2
: Mr.V.Ramesh, for R3

ORDER

This Writ petition has been filed seeking direction to the 2nd and 3rd respondents to implement the order of the 1st respondent dated 02.05.2023 made in Appeal No.Thi.Ka.Ni.Sa.Mae.Mu.No.2/2022.

2. Mr.M.S.Prem Kumar, learned Government Advocate takes notice for the 1st & 2nd respondents. Mr.V.Ramesh, learned counsel takes notice for the 3rd respondent. In view of the consent expressed by the Learned counsel on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that, on 01.04.2007, the petitioner was appointed as Attender in the 3rd respondent society on temporary basis. After six years, the 3rd respondent appointed the petitioner as Office Assistant on 01.12.2013 on regular basis and passed a resolution to that effect and forwarded the same to the higher officials. However, the officials have neither approved nor rejected the same and in the meantime the petitioner continued in service as Office Assistant. While so, in the year



W.P.No.22533 of 2023

2021, the co-operative authorities made an objection stating that, the petitioner's appointment is irregular and directed the 3rd respondent to remove the petitioner from the service, pursuant to which, the petitioner was terminated from the service, vide proceedings of the 3rd respondent dated 04.08.2022 bearing Na.Ka.No.1/2022. Challenging the same, the petitioner preferred an appeal before the 1st respondent under the Shops and Establishment Act, who in turn, after careful consideration of the facts and after conducting proper enquiry, allowed the appeal in Appeal No.Thu.Ka.Ni.Sa.Mae.Mu.No.2/2022, vide order dated 02.05.2023, directing the 3rd respondent to reinstate the petitioner into service. Despite the above said order of the 1st respondent, the 3rd respondent has not reinstated the petitioner into service. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 2nd and 3rd respondents to implement the order of the 1st respondent dated 02.05.2023 made in Appeal No.Thu.Ka.Ni.Sa.Mae.Mu.No.2/2022 by reinstating the petitioner into service with all attendant benefits, monetary benefits, backwages and other benefits.



W.P.No.22533 of 2023

5. On the above said contentions, heard learned counsel appearing for

the respective respondents.

6. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case directs the 3rd respondent to implement the order of the 1st respondent dated 02.05.2023 made in Appeal No.Thi.Ka.Ni.Sa.Mae.Mu.No.2/2022, directing the 3rd respondent to reinstate the petitioner into service, within a period of two weeks from the date of receipt of a copy of this order, if there is no legal impediment.

7. Accordingly, this Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

01.08.2023

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

4/6



W.P.No.22533 of 2023

WEB COPY To

1. The Joint Commissioner of Labour,
Shops and Establishment Appellate Tribunal,
Trichy.
2. The Deputy Registrar of Cooperative Societies,
Melakottai Vasal, Nagapattinam Circle,
Nagapattinam - 611 003, Nagapattinam District.
3. The Management,
Rep. by its President,
10707 Sikkal Primary Agricultural Cooperative Credit Society,
Sikkal & Post, Nagapattinam - 611 108.



WEB COPY



W.P.No.22533 of 2023

M.DHANDAPANI., J.

skt

W.P.No.22533 of 2023
and
WMP.No.21973 of 2023

01.08.2023