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W.P.No.8992 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

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

W.P.No.8992 of 2017

and

WMP.No.9905 of 2017

S.349, Mangalam Primary Agricultural Co-operative Credit Society Ltd.,
Rep. by its President A.Marimuthu,
Mangalam Post, Tiruchengode Taluk,
Namakkal District – 637 501.

...Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Salem.

2. The Joint Registrar of Co-operative Societies,
Namakkal Region,
Namakkal District.

3. R.Gunasekaran

...Respondents

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari calling for the records relating to the Award of the
1st respondent dated 21.04.2016 in I.D.No.163 of 2009 and quash the same.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.M.S.Prem Kumar, GA, for R2
: Mr.S.Kumar, for R3



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ORDER

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This Writ petition has been filed seeking quashment of the Award of the 1st respondent dated 21.04.2016 made in I.D.No.163 of 2009.

2. The case of the petitioner is that the 3rd respondent was appointed as salesman in the Mangalam fair price shop run by the petitioner society. While so, for misappropriation of around 1000 Kgs of rice for his personal gain, the 3rd respondent was suspended from service and thereafter, after conducting domestic enquiry by issuing charge memo and after affording appropriate opportunity, the 3rd respondent was terminated from his service, vide order dated 11.02.2006. Aggrieved by the same, the 3rd respondent raised an Industrial Dispute in I.D.No.163 of 2009 before the 1st respondent, who, in turn, passed an award dated 21.04.2016, setting aside the order of termination and directed the petitioner society to reinstate the 3rd respondent in service with 50% back wages and continuity of service. Challenging the same the petitioner has come up with this Writ petition.

3. Though very many grounds have been raised, the learned counsel for the petitioner, on instructions, submitted that the petitioner society is



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ready to reinstate the 3rd respondent with continuity of service, if the 3rd respondent is ready to forgo the back wages awarded by the 1st respondent, vide award dated 21.04.2016 and have also passed a resolution dated 27.03.2017 to that effect.

4. Learned counsel appearing for the 3rd respondent/workmen, on instructions submitted that, the 3rd respondent is ready to forgo the back wages awarded by the 1st respondent, vide order dated 21.04.2016 in I.D.No.163 of 2009.

5. In view of the above compromise expressed by the learned counsel on either side, this Court, is inclined to modify the award of the 1st respondent dated 21.04.2016 made in I.D.No.163 of 2009 and the petitioner society is directed to reinstate the 3rd respondent into the service with continuity of service within a period of two weeks from the date of receipt of a copy of this order. However, it is made clear that, the 3rd respondent is not entitled for back wages.



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11.09.2023

skt

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

To

1. The Presiding Officer,
Labour Court,
Salem.
2. The Joint Registrar of Co-operative Societies,
Namakkal Region,
Namakkal District.

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M.DHANDAPANI., J.

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