



W.P.No.11966 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.11966 of 2017
and W.M.P.No.12849 of 2017

The President,
K.141, Malayandipattinam Primary
Agricultural Co-operative Credit Society,
Malaiyandipattinam Post,
Pollachi.

.. Petitioner

vs

1.The Joint Registrar of Co-operative Societies,
Coimbatore Division, Coimbatore.

2.D.Eswaran

3.S.Manonmani

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the entire records relating to the impugned order dated 13.01.2017 passed by the 1st respondent in Revision Petition No.2118 of 2015 Ve 2 and quash the same.

For Petitioner	:	Mr.L.Mouli
For Respondents	:	Mr.S.Ravikumar Special Government Pleader for R1 Mr.K.S.Govinda Prasad for R2

ORDER

Writ petition has been filed in the nature of a certiorari seeking interference with an order dated 13.01.2017 passed by the



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first respondent, the Joint Registrar of Cooperative Credit Societies at Coimbatore in Revision Petition No.2118/2015 Ve 2. The writ petition has been filed by the President, K.141, Malayandipattinam Primary Agricultural Co-operative Credit Society at Pollachi.

2. The writ petition has been primarily focused on an order passed by the first respondent wherein, the first respondent had directed that the petitioner herein should pay the full salary for the period during which the second respondent, D.Eswaran, Senior Clerk, in the aforementioned society, was placed on suspension. The period of suspension was from 23.12.2013 till 28.08.2014.

3. During that particular period of suspension, subsistence allowance has been paid. However, salary in entirety was not paid. A direction had been given by the first respondent that the salary should be paid.

4. It is contended by all the learned counsels that subsequent to departmental proceedings, the services of the second respondent had been terminated with effect from 03.09.2021. There are no further records available, but except for



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an application filed by the second respondent before the Conciliation Officer at Coimbatore in Computation Petition No.171 of 2017 seeking the very same relief of payment of salary for the period under which the second respondent was in suspension. That came to be dismissed consequent to the pendency of the present writ petition and it was stated that orders can be passed in the writ petition.

5. But today even before orders can be passed relating to payment of salary or otherwise the further fact is that the second respondent had been terminated from service. Questioning this termination, it is also stated that he had approached the Labour Court at Coimbatore and the proceedings are now pending.

6. The Labour Court, Coimbatore will have two options. Either they can uphold the order of termination or they can interfere with the same and set it aside. At that particular point of time, the Labour Court may pass necessary orders relating to treating the period of suspension as whether in service or not or to be counted for any further benefit to be granted. At this stage, since the order of termination is not before this Court and not questioned before this Court, the impugned order will necessarily



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have to be set aside. It is recorded that the subsistence allowance has been paid.

7. With respect to treating the period of suspension, the entire onus is on the Labour Court to pass appropriate orders on final disposal of that petition, if it has not already been disposed of. There are no details of the same given by learned counsel who are appearing for the petitioner, second respondent and the learned Special Government Pleader.

8. Learned counsel for the second respondent contended that the petitioner has no locus standi but the petitioner represents the Society and the financial aspects of the society are concerned, it would only be appropriate that the petitioner protects the same and filing of the writ petition is one of the methods in which the society was protected from its financial aspects.

9. Be that as it may, no orders can be passed in this present writ petition but since a direction is given to the Labour Court, Coimbatore to pass appropriate orders, writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.



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Index:Yes/No

Neutral Citation:Yes/No
ssm

To

1. The Joint Registrar of Co-operative Societies,
Coimbatore Division, Coimbatore.
2. The Presiding Officer,
Labour Court,
Coimbatore.



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C.V.KARTHIKEYAN,J.

ssm

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