



WEB COPY

W.P.No.37296 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.37296 of 2016
and
W.M.P.No.31992 of 2016

A.Murugan

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Gobichettipalayam Circle,
Erode District

2.The President AA 292, Paruvachi Primary Agricultural
Co-operative Credit Society, Paruvachi,
Bhavani Taluk,
Erode District

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, To call for the records pertaining to the impugned order having Reference Nil dated 21.10.2016 on the file of the 2nd respondent and quash the same and consequently direct the 1st and 2nd respondent to permit the petitioner to continue as Secretary of AA 292, Paruvachi Primary Agricultural Co-operative Credit Society, Erode District.



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For Petitioner : M/s.E.P.Senniyangiri
For Respondents :
(for R1) : M/s.Krishnaraj, AGP
(for R2) : M/s.L.P.Shanmugasundaram

ORDER

The petitioner seeks to question the order of the 2nd respondent dated 21.10.2016 [SIC 20.10.2016] and consequently direct the 1st and the 2nd respondent to permit the petitioner to continue as a Secretary of the Paruvachi Primary Agricultural Co-operative Credit Society, Erode District.

2. The petitioner would submit that he has completed his M.Com and D.Co-op. He had joined the 2nd respondent as a Secretary in the year 1988 and thereafter he was transferred and posted as the Secretary of the 2nd respondent Cooperative Society in the year 1991. The petitioner had an unblemished service till 2008 and had discharged the duties cast on him to the fullest satisfaction of the Superior Authorities.



3. While so, an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act (hereinafter called as the "Act") was conducted and it was stated that the petitioner and two others had not made entries of the amounts received from the customers who discharged their jewel loans. However, the jewels were correctly returned to the concerned customers.

4. The petitioner would submit that he is in no way connected to the non-entries since the entries were to be made only by the Accountant after receiving instructions from the Jewel Appraiser. The petitioner holds only Supervisory jurisdiction over the employees.

5. The enquiry was conducted by the Department and ultimately the petitioner and two others were given a punishment of termination by order dated 21.03.2009.

6. The petitioner would submit that he attempted to prove his innocence but the enquiry officer was pre-determined to punish the petitioner. The petitioner took up the order on appeal by filing



I.D.No.74 of 15 before the Hon'ble Labour Court, Salem. After trial, the order of dismissal was set aside and the petitioner was directed to be reinstated within a period of 3 months. However, the respondents had failed to comply with the order. Thereafter, the petitioner had issued a legal notice to the 2nd respondent directing him to comply with the order of the Hon'ble Labour Court, Salem dated 29.12.2015.

7. On 19.09.2016, the 2nd respondent had reinstated the petitioner pursuant to the passing of Resolution No.2 by the Board. Pursuant to the said Resolution, the petitioner had joined the 2nd respondent Society on 22.09.2016 as Secretary.

8. While so, a day before the filing of the Writ Petition i.e. on 20.10.2016, the 2nd respondent had issued an order cancelling the order of reinstatement dated 19.09.2016. The only reason given was that the 1st respondent by letters dated 06.10.2016 and 13.10.2016 had issued directions to the 2nd respondent to terminate the petitioner on the ground that no prior permission was obtained from the Department for reinstatement of this petitioner.



9. The petitioner would submit that he had been reinstated into service on the basis of the award dated 29.12.2015 of the Labour Court, Salem. The 1st respondent has no authority to interfere in the reinstatement process by issuing arbitrary commands to the 2nd respondent. Therefore, the petitioner had come forward with the above Writ Petition.

10. This Court has granted an order of stay, staying the order passed by the 2nd respondent dated 20.10.2016, wherein the 2nd respondent had cancelled the petitioner's reinstatement. The instant case clearly demonstrates the total disregard to Judicial Orders. The petitioner has been directed to be reinstated pursuant to the orders of the Labour Court, Salem which is an order that has been passed after contest. The Labour Court had issued directions to the 2nd respondent to reinstate the petitioner. In compliance of the orders of the Labour Court, the 2nd respondent had passed an order of reinstatement on 19.09.2016. Thereafter, the 2nd respondent had passed an order cancelling this reinstatement order on 20.10.2016. This is clearly a contumacious conduct on the part of the 2nd respondent. That apart, in



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the counter affidavit, the respondents seek to re-agitate the issues which have already been raised before the Labour Court without challenging the Award.

11. Considering the above, the writ petition is allowed as prayed for. No costs. Consequently, the connected Miscellaneous Petition is closed.

24.07.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Deputy Registrar of Co-operative Societies,
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P.T. ASHA. J.,

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