



WEB COPY



W.A.No.2156 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.2156 of 2024

G.Vijaya

... Appellant

Vs.

The Management of
S-1442, Tiruvandipatti Primary Agriculture
Co-operative Credit Society Ltd.,
Rep. by its President,
Tiruvandipatti,
Kozhikkal Natham Post,
Sankagiri, Salem District.

...Respondent

PRAYER: Appeal is filed under Clause 15 of the Letters Patent for issuance of a Writ of Certiorari, to set aside the order dated 25.03.2024 made in W.M.P.No.29785 of 2022 in W.P.No.2187 of 2020 disposing of the same with a direction to reinstate the appellant in service on the basis of wages last drawn by her.



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For Appellant : Mr.V.Shanmuganathan
For Respondent : Mr.L.P.Shanmugasundaram

JUDGEMENT

(Judgement of this Court was delivered by M.S.RAMESH.J)

When the appellant was dismissed from service on 29.12.2011, she had raised an industrial dispute in I.D.No.74 of 2013 before the Labour Court, Salem, challenging the order of dismissal. By an award dated 12.06.2018, the Labour Court had set aside the order of dismissal and directed the respondent / Management to reinstate her back into service, together with continuity of service, back wages and all other attendant benefits. The Management had challenged the award of the Labour Court in W.P.No.2187 of 2020. Pending this Writ Petition, the appellant had filed a miscellaneous petition in W.M.P.No.29785 of 2022, seeking for payment of her last drawn wages under Section 17B of the Industrial Disputes Act, 1947. Before the learned Single Judge, the Management had offered to reinstate the appellant, which fact was recorded by the learned Single



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Judge, through an interim order dated 25.03.2024. This order is under challenge in this Intra Court Appeal.

2. According to the learned counsel for the appellant, when the Management had offered to reinstate her into the service, she had raised objections, which were not recorded by the learned Single Judge. On the contrary, the learned counsel for the Management would dispute the claim of the appellant that she had raised objections before the learned Single Judge.

3. This Court, sitting on an appeal over the order of the learned Single Judge, will not delve and explore the veracity of disputed facts. More so, when the learned Single Judge had also recorded the submission of the learned counsel for the appellant that she was willing to join duty, pursuant to the offer made by the Management. When the appellant herself had expressed that she was willing to join duty, we fail to understand as to how objections could have been raised to the offer of reinstatement by the Management. Thus, we do not find any other infirmity in the order of the learned Single Judge.



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M.S.RAMESH, J.
and
C.KUMARAPPAN, J.

Anu

4. Accordingly, this Writ Appeal stands dismissed. No Costs.
However, the appellant is granted liberty to file a Review Petition before
the learned Single Judge, if she chooses to do so.

[M.S.R., J] [C.K., J]

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Index: Yes/No
Neutral Citation: Yes/No
Anu

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