



WP(MD)Nos.16344 of 2013 & 12266,12286,12305 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.16344 of 2013 & 12266,12286,12305 of 2018

and

MP(MD) Nos.1 of 2013 and 1,2 of 2015

WP(MD)No.16344 of 2013:-

4268 Manapparai Agriculturist Producers

Co-operative Marketing Society,

Represented by its Special Officer,

Multi-Storied Government Buildings,

Kajanagar, Tiruchirappalli – 620 020.

... Petitioner

Vs

1.The Presiding Officer,

Labour Court, Trichy.

2. S.Imam Khadar

...Respondents

WP(MD)No.12266, 12286 & 12305 of 2018:-

S.Imam Khadar

... Petitioner

Vs

1.The Presiding Officer,

Labour Court, Trichy.



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2.The Management of
4268 Manapparai Agriculturist Producers
Co-operative Marketing Society,
Manapparai,
Trichy District.

...Respondents

PRAYER in WP(MD)No.16344 of 2013:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the order of the District Court, Trichy, in pursuance to the order passed in I.D No. 159/2009 dated 30.01.2013 and quash the same and pass such further orders.

PRAYER in WP(MD)Nos.12266, 12286 & 12305 of 2018:- Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Certiorarified Mandamus, after calling for the records relating to the impugned orders dated 22.06.17, 25.07.2017 in C.P.Nos. 36/13, 10 of 2017 of the 1st Respondent, quash the portion of the same in so far as not allowing the claim amount of the petitioner in entirety and consequently to direct the 2nd Respondent to pay him Rs.2,65,041/- as wages for the period of suspension, i.e. from September, 2007 to 31.07.09, minus the amount already paid to him as subsistence allowance, 50% of back wages for the period from 31.07.09 to 31.01.13 and full wages from 01.02.13 to 31.08.13 together with 18% interest per annum and all other attendant benefits and award cost and Rs.4,27, 863/- as full wages for the period from 01.09.2013 to 30.04.2017 together with 18% interest per annum and all other attendant benefits and award and calling for the



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records relating to the impugned order dated 30.01.2013 in I.D.No.159 of 2009 of the 1st Respondent and quash the same insofar as denying the petitioner 50% back wages and other attendant benefits and consequently to direct the second respondent to pay the petitioner full back wages from 08.10.2007 to 30.01.2013 and all other attendant benefits along with reinstatement and award cost.

For Petitioner : Mr.V.O.S. Kalaiselvam

(In WP(MD) No.16344 of 2013)

For Petitioner : Mr.S.Arunachalam

For R2 : Mr.V.O.S. Kalaiselvam

(In WP(MD)Nos.12266,12286,12305 of 2018)

COMMON ORDER

WP(MD) No.16344 of 2013 has been filed as against the order passed by the Labour Court, Trichy in ID No.159 of 2009, dated 30.01.2013, in and by which, the order of termination of one Imamkhadar was set aside and the petitioner Society was directed to pay 50% of backwages with continuity of service to him.

2. WP(MD)Nos.12266,12286,12305 of 2018 have been filed by the said Imamkhadar, challenging the orders of the Labour Court Trichy



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and to direct the Management of Manapparai Agricultural Producers Co-operative Marketing Society to pay the eligible monetary benefits.

3.Today (14.08.2024), when these writ petitions are taken up for hearing, the learned counsel appearing for the petitioner in WP(MD)Nos.12266,12286,12305 of 2018 submits that he has returned the papers to the petitioner.

4.Since all these writ petitions are pertaining to the order of the Labour Court, Trichy, these writ petitions are taken up together and disposed of by this common order.

5.In earlier occasion, when these matters are taken up for hearing, the learned counsel appearing for Manapparai Agricultural Producers Co-operative Marketing Society submitted that the Society has become defunct. Therefore, a direction was issued to the learned counsel for the Society to get instructions as to the reasons for contesting the writ petitions, after the Society has been declared as defunct.



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6.Today, the learned counsel appearing for the Society submits

that it is not only the Society has become defunct, but also the building of the Society has been demolished and there is no entity as on date.

7.Considering the submission of the learned counsel for the Society that the Society is not in existence and there is no legal entity as on date and also considering that even if the writ petitions filed by the workman are allowed, it cannot be enforced as against the Society, these writ petitions are closed as no further order is required to be passed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

14.08.2024

Index :Yes/No
Internet : Yes/No
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B.PUGALENDHI,J.

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Common Order made in
WP(MD)Nos.16344 of 2013 & 12266,12286,12305 of 2018
and
MP(MD) Nos.1 of 2013 and 1,2 of 2015

14.08.2024