



WEB COPY



WP.No.3798/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2025

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

WP.No.3798/2023 & WMP.No.3864/2023

Management rep.by its President
Mr.Murugan, Thumbal Primary Agriculture
Cooperative Societies, Thumbal,
Athur Taluk, Salem District. .. Petitioner

Versus

Angammal .. Respondent

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorari, to call for the records of the
Labour Court, Salem, in ID.No.207/2014 dated 21.12.2021 and quash the
same as illegal.

For Petitioner : Mr.S.Ravikumar
For Respondent : Mr.K.V.Shanmuganathan



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ORDER

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(1)The writ petition has been filed seeking for issuance of a writ of certiorari, to call for the records of the Labour Court in ID.No.207/2014 dated 21.12.2021 and to quash the same as illegal.

(2)The petitioner/Society is a Primary Cooperative Society registered under the Tamil Nadu Cooperative Societies Act. The petitioner/Society is functioning as per the Tamil Nadu Cooperative Societies Act, Rules and its own Sub Rules. On 01.07.1974, one Rangan, joined the services of the petitioner/Society and during the course of his employment, he died on 04.11.1996. By a Resolution dated 18.03.1998, the petitioner/Society appointed his son, namely, R.Jagan, as a Salesman on compassionate ground. However, since the said Jagan misappropriated the funds of the petitioner/Society, by a Resolution dated 15.09.1998, he was suspended from service. Thereafter, the petitioner/Society appointed the respondent, who was the wife of the deceased employee as a Sweeper on consolidated pay of Rs.600/- per month on 10.11.2001. On 02.05.2002, the respondent's services were terminated and later by another Resolution dated 22.02.2008, the respondent was re-employed on consolidated pay of



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Rs.900/- as Sweeper. On the basis of Audit Report, the respondent was again terminated from service on 31.05.2014. The respondent challenged the Termination Order by way of a revision petition before the Joint Registrar of Cooperative Societies, Salem Circle, and the said revision petition was dismissed on 29.09.2014 confirming the Termination Order. The respondent thereafter, filed a writ petition in WP.No.27911/2014, challenging the termination. Pending writ petition, the respondent raised a dispute and as the conciliation failed, the dispute was referred to the Labour Court for adjudication and it was also taken up in ID.No.207/2014. Pending ID, the respondent withdrew the aforesaid writ petition. The Labour Court, Salem, thereafter, allowed the ID by order dated 29.12.2021. Challenging the Award passed by the Labour Court, Salem, dated 29.12.2021, the petitioner/Society has filed the present writ petition for the aforesaid relief.

(3)The learned counsel for the petitioner submitted that the Labour Court, failed to note that the respondent challenged the very same Termination Order dated 31.05.2014, by way of revision, before the Joint Registrar of Cooperative Societies, Salem Circle, and the same was dismissed on



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29.09.2014. The learned counsel further submitted that the writ petition in WP.No.27911/2014, filed against the order passed in revision, was withdrawn on 29.09.2014, without liberty to adjudicate the issue before the Labour Court in ID.No.207/2014, which was pending at that time. The learned counsel further submitted that the Labour Court, failed to note that the Termination Order, as confirmed by the Joint Registrar of Cooperative Societies, having been withdrawn without liberty, reached finality and as such, it ought to have dismissed the ID. The learned counsel submitted that the erroneous entertainment of the ID, has resulted in inconsistent orders, one confirming the Termination Order and the other rejecting it. The learned counsel therefore, submitted that the Award of the Labour Court cannot be sustained and deserved to be dismissed.

(4)The learned counsel for the respondent on the other hand, contended that as the Labour Court had considered the matter in detail and passed the impugned Award, the writ petition deserved no merit.

(5)Heard both sides and perused the entire materials placed on record.



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(6)The main issue involved in this writ petition is whether the Award passed by the Labour Court, setting aside the Termination Order dated 31.05.2014, is illegal and invalid.

(7)The records reveal that challenging the Termination Order dated 31.05.2014, the respondent filed a revision petition under Section 153 of the Cooperative Societies Act, before the Joint Registrar of Cooperative Societies, Salem Circle, and the same was dismissed on 29.09.2014. The respondent filed a writ petition in WP.No.27911/2014, against the order passed in revision. During the pendency of the writ petition, the respondent raised a dispute which was taken on file in ID.No.207/2014 under section 2A of the Act. The respondent, thereafter, withdrew the writ petition, however, without liberty to continue the ID. The Writ Court, in WP.No.27911/2014, by order dated 19.02.2020, dismissed the writ petition as withdrawn. The operative portion of the order reads thus:-

"2.Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw the writ petition. He has also made an endorsement to that effect.



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3. In view of the endorsement made by the learned counsel appearing for the petitioner, the Writ Petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

(8) This Court finds that the Labour Court, failed to appreciate that the writ petition was withdrawn without liberty to adjudicate the issue before it and further that the withdrawal of writ petition without liberty to challenge the Termination Order, estopped the respondent herein, from challenging the very same Termination Order before it. The Labour Court failed to note that a concluded order, could not be challenged in collateral proceedings. This Court is of the view that the respondent having abandoned her right to challenge the Termination order, by not seeking liberty to continue the Industrial Dispute before the Labour Court, is deemed to have accepted the order and hence, precluded from reopening the same. This Court further finds that the withdrawal of writ petition in WP.No.27911/2014 without liberty, bars the respondent from invoking the remedy before the Labour Court on the same cause of action.



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(9) Another aspect that requires to be noted is that the Labour Court, ignoring the legal position, has passed an Award, which is inconsistent with the order passed in the revision petition, under Section 153 of the Cooperative Societies Act. Since inconsistency arising from conflicting orders on the same Termination Order, cannot be sustained, this Court is of the considered view that the impugned Award is vitiated and warrants interference by this Court.

(10) This Court therefore, finds merit in the writ petition and hence, the same is allowed. The Award of the Labour Court dated 21.12.2021, in ID.No.207/2014, is set aside and the respondent is granted liberty to challenge the writ petition that was withdrawn by her. No costs. Consequently, connected miscellaneous petition is closed.

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dn/AP

Index : Yes / No

Internet : Yes / No

Speaking Order: Yes / No

Neutral Citation: Yes /No

To

The Labour Court, Salem.



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N.MALA, J.,

dn/AP

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