



W.P.No.33417 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.33417 of 2013

and

M.P.Nos.1 of 2013 & 1 of 2015

No.CC 2394, The Coimbatore Electricity System
Employees' Cooperative Thrift & Credit Society Ltd.,
Rep. by its President,
Tatabad, Coimbatore – 641 012. ... Petitioner

Vs.

1.S.Nagarajan

2.The Deputy Commissioner of Labour/
Authority under T.N. Shops & Establishment Act,
Coimbatore – 641 018. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned order made in Tha.Ka.Ni.Sa.No.3/2010 dated 21.12.2012 (posted on 16.05.2013 and served on 17.05.2013) on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.T.Arun Kumar [R1]
Mr.K.Surendran
Additional Government Pleader [R2]



W.P.No.33417 of 2013

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ORDER

This Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Certiorari, to call for the records relating to the impugned order made in Tha.Ka.Ni.Sa.No.3/2010 dated 21.12.2012 (posted on 16.05.2013 and served on 17.05.2013) on the file of the 2nd respondent and quash the same.

2. The case of the petitioner is that, it is a society registered under the provisions of the Tamil Nadu Cooperative Societies Act, 1983 and the 1st respondent was working as the Secretary in-charge of the petitioner society as the Chief Executive and chief paid servant of the said society at the appointed time. He was placed under suspension as per the proceedings of the Special Officer of the society on 12.11.2008 for certain irregularities committed by him along with another employee viz., Assistant in the said society in connection with the issue of loans to the members and disbursement of Thrift Deposits and Dividends to the members. After following due process of law and after giving proper and sufficient opportunities to defend the charges as well as the enquiry report, the 1st respondent was dismissed from service on 10.09.2009 for



W.P.No.33417 of 2013

the proved charges vide proceedings in Na.Ka.No.2/09 Se. dt. 10.09.2009. Thereafter, the 1st respondent preferred an appeal u/s 41 of the Tamil Nadu Shops & Establishments Act, 1947 before the 2nd respondent (in short 'the Act') in TNSE Appeal No.3 of 2010 and the 2nd respondent passed an impugned order dated 21.12.2012 in Tha.Ka.Ni.Sa.No.3 of 2010 setting aside the order of dismissal passed by the petitioner society dated 10.09.2009. Challenging the same, the present writ petition has been filed.

3. When the matter is taken up for hearing today, learned counsel appearing for the petitioner/management and one G.Chandrika, Secretary of the petitioner appeared before this Court have submitted that one R.Geetha Sri, Administrator of the petitioner/management has informed that matter has been settled and the petitioner/management is ready to reinstate the 1st respondent/workman with continuity of service, but without backwages. Accordingly, he prays for appropriate orders.

4. Learned counsel appearing for the 1st respondent, on instructions, submitted that, the 1st respondent is ready to accept the offer made by the petitioner/management.



W.P.No.33417 of 2013

WEB COPY 5. In view of the consent expressed by the learned counsel appearing for the parties, this Court is inclined to modify the impugned award passed by the 2nd respondent in the following terms :-

(i) the petitioner/management is directed to reinstate the 1st respondent as an Accountant with the current wages and continuity of service, within a period of two (2) weeks from the date of receipt of a copy of this order;

(ii) it is made clear that the 1st respondent/workman is not entitled to any backwages.

6. With the above modifications, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

15.04.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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W.P.No.33417 of 2013

To
WEB COPY

The Deputy Commissioner of Labour/
Authority under T.N. Shops & Establishment Act,
Coimbatore – 641 018.



WEB COPY



W.P.No.33417 of 2013

M.DHANDAPANI, J.

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W.P.No.33417 of 2013

15.04.2025