



W.P.No.13238 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.13238 of 2019
and
W.M.P.No.13356 of 2019

- 1.The Joint Registrar of Co-operative Societies,
Coimbatore Region,
Coimbatore.
- 2.The Deputy Registrar,
Co-operative Societies,
Pollachi Division, Pollachi.
- 3.The Management,
C.P.130, Sri Rani Lakshmi Ginning, Spinning
and Weaving Mills Employees Cooperative
Thrift and Credit Society Limited,
Rep. by its Liquidator,
Office of the Deputy Registrar of Coop. Societies,
11-A, Market Road,
Pollachi – 01.

...Petitioners

Vs.

M.Palanisamy

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the Labour Court, Coimbatore in I.D.No.291 of 2010 dated 23.05.2017 and quash the



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same.
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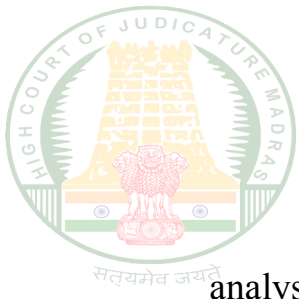
For Petitioners : Mr.P.Ganesan
Government Advocate [P1 & P2]
Mr.L.P.Shanmugasundaram [P3]

For Respondent : Mr.A.Deivasigamani

ORDER

The petitioners-cooperative society, aggrieved by the award passed by the Labour Court, Coimbatore, dated 23.05.2017 in I.D.No.291 of 2010 has filed this writ petition.

2. The short facts are that the respondent was employed under the society from 03.10.1987. During the year 2001, the society has become defunct. Most of the employees opted for Voluntary Retirement Scheme and left the services. Since there was no possibility to revive the society, the 2nd petitioner issued a notice dated 09.09.2002 to liquidate the society. Pursuant to the said notice, a decision was taken to liquidate the society. After liquidation, the respondent raised an industrial dispute seeking reinstatement with continuity of service, backwages and other attendant benefits. Before the labour, the petitioners have neither examined anyone on their side nor marked any documents. The labour court, ultimately, on



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analysis of the materials available before it, allowed the dispute raised by the respondent solely on the ground that the petitioners have failed to adduce any evidence and directed the petitioners to reinstate the respondent into service with continuity of service and other attendant benefits. Challenging the same, the present writ petition has been filed.

3. Learned counsel appearing for the petitioners submitted that the very industrial dispute raised by the respondent is not maintainable. On the date of filing the dispute, the society was not in existence. The respondent had indeed raised an industrial dispute against the ghost organisation. Therefore, the award passed by the labour court is also not implementable and hence, he submitted that the award passed by the labour court requires interference.

4. Learned counsel appearing for the respondent justified the award passed by the labour, and accordingly, he prays for dismissal of this writ petition.

5. Heard the learned counsel appearing for the parties and also



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perused the materials available on record.

6. As rightly pointed out by the learned counsel appearing for the petitioners, the very dispute is not maintainable. On the date of filing the dispute, the society was not in existence. The labour court ought to have taken this fact into consideration and rejected the dispute filed by the respondent. Therefore, this Court is inclined to interfere with the award passed by the labour court. Accordingly, the impugned award passed by the Labour Court, Coimbatore in I.D.No.291 of 2010 dated 23.05.2017 is set aside.

7. It is seen that the petitioners have deposited a sum of Rs.1,54,297/- in compliance with the direction issued by this Court in W.M.P.No.13356 of 2019 while granting interim stay of the impugned award. In view of the fact that this Court has set aside the impugned award, the petitioners are permitted to withdraw the same with accrued interest, if any.

8. In the result, this Writ Petition is allowed. No costs.



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Consequently, the connected writ miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The Labour Court,
Coimbatore.
- 2.The Joint Registrar of Co-operative Societies,
Coimbatore Region,
Coimbatore.
- 3.The Deputy Registrar,
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Pollachi Division, Pollachi.



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M.DHANDAPANI, J.

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