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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP NO. 9862 , 10463 of 2022 and 18802 of 2022
in WMP NOs. 9585 & 9586 OF 2022**

W.P.No.9862 of 2022:

1. The Management
A.A.220, Kangeyam Primary
Agricultural Co-operative Credit
Society, Rep By Its Administrator,
Main Road, Kangeyam, Tiruppur.

Petitioner(s)

Vs

M.M.Subramanian
S/o.Muthusamy Gounder,
Muthupulavan Valasu,
Mudhalipalayam, Oothiyur (way),
Kangeyam, Tiruppur- 638 703.

Respondent(s)

WP No. 10463 of 2025:

1. The Management
A.A.220, Kangeyam Primary
Agricultural Co-operative Credit
Society, Rep By Its Administrator,
Main Road, Kangeyam, Tiruppur.

Petitioner(s)



Vs

1. M.M.Subramanian
S/o.Muthusamy Gounder,
Muthupulavan Valasu,
Mudhalipalayam, Oothiyur (way),
Kangeyam, Tiruppur- 638 703.

Respondent(s)

WP No. 18802 of 2022:

M.M.Subramanian
S/o.Muthusamy Gounder
Muthupulavan Valasu, Muthalipalayam
Post, Oodhiyur Via, Kangayam Taluk,
Tiruppur District- 638 703.

Petitioner(s)

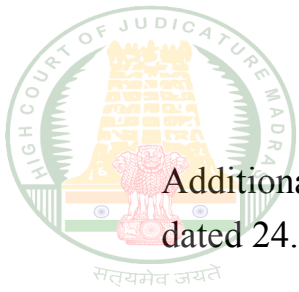
Vs

The Management
A.A.220, Kangayam Primary
Agricultural Co- Operative Credit
Society, Rep. by its Secretary,
N.Mounaraj, M/54 S/o.Nachimuthu
Gounder, Main Road, Kangayam- 638
701.

Respondent(s)

PRAYER in WP No. 10463 of 2025 : This petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus Calling for the records of the order passed in C.P.No. 55 of 2023 dated 24.01.2025 on the file of Additional Labour Court, Coimbatore, quash the same.

PRAYER WP No. 9862 of 2022: This petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus Calling for the entire records relating to the impugned order passed by the Presiding officer,



Additional Labour Court, Coimbatore in Industrial Dispute No. 109 of 2017, dated 24.11.2021 and quash the same.

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PRAYER in WP No. 18802 of 2022: This petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus Calling for the records pertaining to the impugned award dated 24.11.2021 passed by the Additional Labour Court, Coimbatore in I.D. No.109 / 2017 and quash that portion of the award by which the Additional Labour Court, Coimbatore has denied 50 percent back wages and other consequential benefits to the petitioner and modify the same directing the respondent to reinstate the petitioner with full back wages, continuity of service and all other consequential benefits.

For Petitioner(s): Mr.M.S.Palaniswamy
in W.P.No.9862 of 2022 & 10463 of 2025
Mr.K.V.Shanmuganathan
in W.P.no.18802 of 2022
For Respondent(s): Mr.K.V.Shanmuganathan
in W.P.No.9862 of 2022 & 10463 of 2025
Mr.M.S.Palaniswamy
in W.P.no.18802 of 2022

COMMON ORDER

Since the issues involved in all the cases are one and the same, hence, all the case are disposed of by way of this common order. For the sake of convenience, the parties are referred to as the management and the workmen.

2. The workman was working as Senior Clerk in the Management. During the course of his employment, he was committed various irregularities. After following due process, the workman was dismissed from service on 31.10.2016. The workman challenged the dismissal order before the labour court in ID.



No.109 of 2017. The Labour court passed an award reinstatement with 50% back wages vide order dated 24.11.2021. Aggrieved by the said award of the

Labour court, the management has filed W.P.no.9862/2022 before this court.

While pending the said writ petition, the workman has filed another writ petition in W.P.no.18802 of 2022 before this Court challenging the very same order. During pendency of both the writ petitions, the workman filed computation petition before the Labour court in C.P.No.55/2023 claiming payment of 55% of backwages of Rs.6,42,231/-. The Labour Court, vide order dated 24.01.2025, allowed the petition by directing the management to pay a sum of Rs.6,42,231/- with interest at 6% per annum. Challenging the said order, the management has filed another writ petition in W.P.No.10463 of 2025.

3. The learned counsel for the Management submitted that the workman was employed as Senior clerk due to improper management by the workman and staff, the management has incurred in huge loss and he has not properly maintaining the account and not take any action against the loan defaulter. Therefore, the Management is not in a position to pay the backwages as ordered by the Labour Court. However, the Management is ready to reinstate the workman in service.

4. Per contra, the learned counsel for the workman submitted that the Management has not produced a balance sheet either before the labour Court or before this Court. In the absence of necessary proof, the Labour Court has



passed an award in favour of the workman, which is perfectly in order and the same needs no interference.

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5. Heard the learned counsel for the Management and the learned counsel for the Workman and perused the materials available on record.

6. The Workman was working as a Senior Clerk in the Management and he was dismissed from service for various irregularities committed by him after due enquiry. The Labour Court has set aside the dismissal order and has conducted the trial by examining necessary witnesses and marked documents and come to the conclusion that the management has not proved the case of the workman and accordingly, had directed the management to reinstate the workman with 50% backwages.

7. On consideration of the entire materials and also the reasoning of the Labour Court, this Court is of the view that the Labour Court has analyzed all the materials and proper prospective and has allowed the claim of the workmen by directing reinstatement of the workmen . The said findings cannot be said to be unreasonable, arbitrary or perverse and the same requires to be affirmed. It is brought to the notice of this Court that due to financial crisis, the Management has sustained huge loss.



M.DHANDAPANI J.

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8. In the afore stated circumstances, this Court passes the following orders:

The Management is directed to reinstate the workman in service as Senior Clerk with current wages with continuity of service within a period of two weeks from the date of receipt of a copy of this order. The back wages awarded by the Labour Court is set aside.

9. With the above direction, Writ Petition Nos.9862 and 18802 of 2022 are disposed of and Writ Petition No.10463 of 2025 is allowed. Consequently, connected miscellaneous petition is also closed. No costs.

07-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Additional Labour Court, Coimbatore.

WP NO. 9862 , 10463 of 2022 and 18802 of 2022



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