



W.P.No.42518 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

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and

WMP.Nos.36430 & 36431 of 2016

S.240, Thoppapatti Primary Agricultural Co-operative
Credit Society Limited,
Rep. by its President M.Subramani
Thoppapatti Post, Namagiripetti – Via
Rasipuram Taluk, Namakkal District.

...Petitioner

Vs.

1. The Presiding Officer,
The Labour Court,
Salem.
2. The Joint Registrar of Co-Operative Societies,
Namakkal, Namakkal District.
3. K.Sengalvarayan

...Respondents

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 I.D.No.108 of 2015 on the file of the 1st respondent and quash the same.



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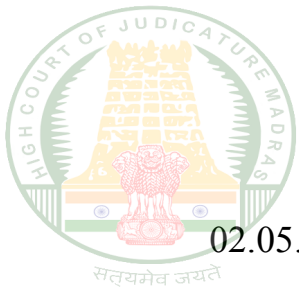
For Petitioner : Mr.K.Selvaraj

For Respondents : R – 1 Court
Mr.M.Muthusamy, GA, for R2
No Appearance, for R3

ORDER

This Writ Petition has been filed seeking quashment of the proceedings in I.D.No.108 of 2015 on the file of the 1st respondent.

2. The short facts are that the 3rd respondent was employed in the petitioner cooperative society. It is the case of the petitioner society that, the very appointment of the 3rd respondent was illegal and made against the provisions of Rule 149(2) of the Tamil Nadu Cooperative Societies Rules, 1988. Further, the 3rd respondent was indulging in irregularities and misappropriation and thereby, he was terminated from services on three earlier occasions, however, he was later reinstated. Since the very appointment of the 3rd respondent was illegal, the petitioner issued a showcause notice dated 23.04.2015 directing the 3rd respondent to show cause as to why he should not be terminated. As the explanation dated 27.04.2015 submitted by the 3rd respondent was not satisfactory, after following procedures contemplated under the rule, the 3rd respondent was ultimately dismissed from service by the petitioner, vide order dated



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02.05.2015. The 3rd respondent, challenging the said order of dismissal, filed a revision before the 2nd respondent under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983, and in turn, the 2nd respondent allowed the revision and ordered for reinstatement of the 3rd respondent, vide order dated 03.12.2015 on the ground that the petitioner has not given an opportunity to the 3rd respondent to submit his explanation for the second show cause notice. It is the further case of the petitioner that, parallely, the 3rd respondent also raised an industrial dispute in I.D.No.108 of 2015 before the labour court. In the mean time, as against the order of the 2nd respondent dated 03.12.2015, the petitioner filed a writ petition before this Court in W.P.No.1710 of 2016. Since the 3rd respondent had resorted to challenge the order of termination before two different forums, the petitioner management has come up with the present Writ petition seeking above relief.

3. Heard learned counsel on either side and perused the material documents placed on record.

4. Though notice was served and the name of the 3rd respondent was printed in the cause list, none appeared on his behalf. Considering



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the period of pendency of this Writ petition, this Court is inclined to dispose of the same based on the available materials.

5. The only question that arises for consideration in this writ petition is as to whether the employee was correct in prosecuting the ID after obtaining an order from the revisional authority directing reinstatement.

6. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, the 3rd filed a counter affidavit before this Court, wherein he has admitted that the Industrial dispute was raised inadvertently and has given an undertaking to withdraw the said dispute in I.D.No.108 of 2015. It is also stated in the counter affidavit that, the Labour court did not permit the 3rd respondent to withdraw the said dispute, since, the Writ petition in W.P.No.1710 of 2016 was pending and a stay was granted by this court. Now that writ petition stands disposed of, vide order of this court dated 19.03.2025, the labour court is directed to permit the 3rd respondent to withdraw the dispute in I.D.No.108 of 2015.



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WEB COPY 7. The very prayer of the petitioner is only to quash the proceedings in I.D.No.108 of 2015. Now that the deck is cleared, the 3rd respondent is directed to immediately withdraw the said dispute in I.D.No.108 of 2015. In case, any such application is made by the 3rd respondent seeking withdrawal of the dispute, the Labour court, Salem is directed to permit the 3rd respondent to withdraw the ID.

8. With the above observations and directions, this Writ Petition stands allowed. No costs. Consequently, the connected Miscellaneous petitions are closed.

19.03.2025

skt

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

1. The Presiding Officer,
The Labour Court, Salem.
2. The Joint Registrar of Co-Operative Societies,
Namakkal, Namakkal District.



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M.DHANDAPANI, J.

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