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W.P.No.32700 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32700 of 2019

And

W.M.P.No.33115 of 2019

The Management
Salem Urban Co-operative Central Bank Ltd.,
Rep. by its General Manager,
First Agraharam,
Salem – 636 001.

... Petitioner

Vs.

K.Kanimozhi

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to calling for the entire records relating to the impugned order dated 28.06.2018 passed in I.D.No.4 of 2013 on the file of the Labour Court, Salem and quash the same.

For Petitioner : M/s.P.S.Sivashanmugasundaram
For Respondent : Mr.K.Premkumar

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the entire records relating to the impugned



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order dated 28.06.2018 passed in I.D.No.4 of 2013 on the file of the Labour Court, Salem and quash the same.

2.The learned counsel appearing for the petitioner submitted that the respondent was appointed as Assistant in the petitioner Bank from 16.05.1998 and she was placed under suspension with effect from 10.06.2004 for misappropriation of money to the tune of Rs.67,000/- by forging the signature of the fixed deposit holder and after enquiry, the petitioner Bank vide order dated 02.09.2004, dismissed the respondent from service and challenging the same, the respondent filed W.P.No.6203 of 2005 and this Court dismissed the said writ petition as not maintainable, however, granted liberty to the respondent to file revision against the impugned order under Section 153 of the Tamil Nadu Co-operative Societies Act, however, the respondent instead of filing revision, raised industrial dispute under Section 2A of the Industrial Disputes Act in I.D.No.4 of 2013 and the Labour Court passed the impugned order directing the petitioner to reinstate the respondent with continuity of service, backwages and other attendant benefits.

3.The learned counsel appearing for the petitioner further



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submitted that the allegation against the respondent is misappropriation of money by forging the signature of the fixed deposit holder, however, the Labour Court without considering the same, has directed the petitioner to reinstate the respondent/ erred employee which is not sustainable one. The learned counsel further submitted that wages under Section 17B of the Industrial Disputes Act was paid to the respondent.

4.The learned counsel appearing for the respondent submitted that this Court while dismissing the writ petition in W.P.No.6203 of 2005, granted liberty to the respondent to file revision against the impugned order under Section 153 of the Tamil Nadu Co-operative Societies Act, however, the respondent raised industrial dispute under Section 2A of the Industrial Disputes Act in I.D.No.4 of 2013 since Section 2A2 amendment came only on 15.09.2010 and the industrial dispute was raised within the period of limitation and the Labour Court passed the impugned order, which warrants no interference.

5.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent and perused the materials available on record.



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6. Admittedly, the respondent entered the service of the petitioner Bank as Assistant in the year 1998 and she was dismissed from service vide order dated 02.09.2004 for misappropriation of money to the tune of Rs.67,000/- by forging the signature of the fixed deposit holder and challenging the order of dismissal, the respondent filed W.P.No.6203 of 2005 and this Court dismissed the said writ petition as not maintainable, however, granted liberty to the respondent to file revision against the impugned order under Section 153 of the Tamil Nadu Co-operative Societies Act, however, the respondent instead of filing revision, raised industrial dispute under Section 2A of the Industrial Disputes Act.

7. Filing industrial dispute under Section 2A of the Industrial Disputes Act is not a bar, however, the respondent was an employee of Co-operative Bank dealing with public money and she was dismissed from service on the charge of misappropriation of money and hence directing the petitioner to reinstate the respondent in service is not feasible. However, considering the service rendered by the respondent to the petitioner Bank, this Court is of the opinion that a sum of Rs.2.5 Lakhs would be a justifiable compensation to the



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respondent since the petitioner has paid wages under Section 17B of the Industrial Disputes Act to the respondent. The amount already paid to the respondent need not be recovered.

8.The petitioner Bank is directed to pay a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand Only) in full quit to the respondent, within a period of eight weeks from the date of receipt of a copy of this order, failing which, the petitioner Bank would be liable to pay interest at the rate of 7.5% p.a., from the date of writ petition till the date of actual payment. The amount already paid by the petitioner to the respondent need not be recovered from the respondent.

9.The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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1.The Labour Court, Salem.

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M.DHANDAPANI,J.
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