



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No.17597 and 22400 of 2017

W.P.No.22400 of 2017:

1. The Managing Director
Tamil Nadu Cooperative Milk
Producers Federation Ltd,
Madhavaram, Chennai-51

2. The Commissioner and
Secretary, Government of Tamilnadu,
Animal Husbandry and Fisheries
Department, Fort st. George Chennai-9

Petitioner(s)

Vs

1. The Special Deputy
Commissioner of Labour,
Teynampet, Chennai-06.

2.Mr.N.Pandia Rajan (DECEASED)
No.2/25, Fourth Cross Street,
Trustpuram, Kodambakkam,
Chennai-24.

3.M.Nirmala,
W/o.late N.Pandiarajan, No.2/25,
Iv Cross Street, Trust Puram,
Kodambakkam, Chennai 600 024 .



4.P.Ashwath,
S/o.late N.Pandiarajan, No.2/25, Iv
Cross Street, Trust Puram,
Kodambakkam, Chennai 600 024.
(R3 And R4 are Substituted As Lrs Of
Deceased R2, as per order dated
20.11.2023 In WMP.26269 of 2023 in
WP.No.22400 of 2017 by this Court)

Respondent(s)

WP No. 17597 of 2017

1. N.Pandiarajan, (DECEASED)
No.2/52, IV Cross Street, Trust Puram,
Kodambakkam, Chennai 600 024

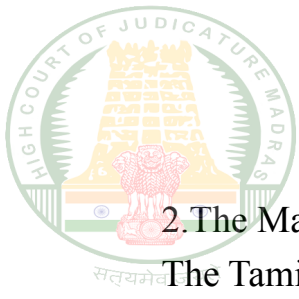
2.P.Ashwath,
S/o.Late N.Pandiarajan, No.2/25, IV
Cross Street, Trust Puram,
Kodambakkam, Chennai 600 024.

3.M.Nirmala,
W/o.Late N.Pandiarajan, No.2/25, IV
Cross Street, Trust Puram,
Kodambakkam, Chennai 600 024.
(P2 AND P3 are substituted as legal
heirs of deceased P1, as per the order
dated 20.11.2023 IN WMP.21314/2023
IN WP.17597/2017 by this Court)

Petitioner(s)

Vs

1. The Commissioner,
Milk Production and Dairy
Development Department Avin Illam,
Madhavaram Milk Colony, Chennai
600 051



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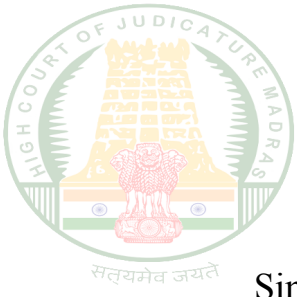
2. The Managing Director,
The Tamil Nadu Co-operative Milk,
Producers Federation Limited, Aavin
Illam, Madhavaram Milk Colony,
Chennai 600 051

Respondent(s)

PRAYER in WP No. 22400 of 2017 : This writ petition has been filed under Article 226 of Constitution of India, to issue a writ of Certiorari calling for the records in TNSE- 1/18/2010 dated 27.04.2016 on the file of the 1st Respondent and quash the same as null and void and not binding upon the petitioner.

PRAYER in WP No. 17597 of 2017: This writ petition has been filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the respondents to Comply with order passed in TNSE-1/18/2010 dated 27.04.2016 by the Appellate Authority under the Shops and Establishment Act, 1947 and consequently direct the respondents to settle all the terminal benefits including the gratuity, encashment of leave salary and other statutory benefits like revised scale of pay, annual increment, selection grade pay etc., due to the petitioner along with interest at the rate of 9% per annum within a time frame fixed by this Honourable Court.

For Petitioner(s):	Mr.Aravind Srivatsav in W.P.no.17597 of 2017 Mr.S.Balasubramanian in W.P.No.22400 of 2017
For Respondent(s):	Mr.S.Balasubramanian RR1 & 2 in W.P.No.17597 of 2017 Mr.Aravind Srivatsav RR3 & 4 Mr.K.Surendran, AGP R1 in W.P.No.22400 of 2017



COMMON ORDER

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Since the issue arises in the both the writ petitions are one and the same, the same are disposed of by way of this common order. For the sake of convenience, the first petitioner in W.P.No.17597 of 2017 is referred to as "workman" and the second respondent in W.P.no.17597 of 2017 is referred to as the "Management".

2. WP No. 22400 of 2017 has been filed seeking to quash the order in TNSE- 1/18/2010 dated 27.04.2016 on the file of the 1st Respondent.

3. WP No. 17597 of 2017 on has been filed seeking a direction to the respondents to comply with order passed in TNSE-1/18/2010 dated 27.04.2016 by the Appellate Authority under the Shops and Establishment Act, 1947 and consequently, direct the respondents to settle all the terminal benefits including the gratuity, encashment of leave salary and other statutory benefits like revised scale of pay, annual increment, selection grade pay etc., due to the petitioner along with interest at the rate of 9% per annum.

4. It is the case of the workman that the workman has joined in the management in the year 1977 as an Assistant Engineer. In the year 1983, he was promoted as a Deputy Manager. When the workman was working as a Shift Officer-II, a charge memo containing five charges was issued to him alleging that while he was officiating as M.D. (in charge) of Chengai MGR District Co-



op Milk Producers Union for the period 26.08.1994 to 13.06.1995. Pursuant to the charge memo, an enquiry was conducted. After conducting due enquiry, the workman was dismissed from service. Challenging the said order of dismissal, the workman filed writ petition before this Court. This Court granted liberty to approach the shops authority. Pursuant to which, the workman filed a petition before the Commissioner and the commissioner passed an order dated 27.04.2016 directed the management to reinstate the workman with attendant benefits. Challenging the said order, the Management has filed a writ petition before this Court in W.P.no.22400 of 2017. For implementation of the said order, the workman has filed another writ petition in W.P.no.17597 of 2017.

5. The learned counsel for the workman submitted that during pendency of the writ petition, the workman died. The legal heirs of the deceased workman have impleaded in both the writ petitions. This court may direct the Management to implement the award within the stipulated time as fixed by this Court.

6. The learned counsel for the Management submitted that the first respondent Special Deputy Commissioner Labour, Chennai had failed to see that the Tamil Nadu Cooperative Societies Act being the Special Enactment governs the conditions for the employee and board of Management and that the ID Act or the conferment of permanent Status Act could not be pressed into service for any action which is not in accordance with the Tamil Nadu Co-



operative Societies Act as held in W.A.No.2501 of 2001 in L.Justin Case and that the same shall applies to this case also. The Commissioner had failed to find when there was a huge loss of revenue to the Management as reported by the Federation chief Vigilance Officer due to the alleged misconduct of the workman charged on similar issues and the management had acted uniformly in deciding on the said issues. Hence, this Court may allow the writ petition filed by the Management.

7. Heard the learned counsel on either side and perused the materials available on record.

8. During pendency of the writ petition, the workman had died. Admittedly, the workman respondent has employed as Managing Director and he was dismissed from service for various irregularities and the same was challenged before the Shops authority. The shops authority has passed an order in favour of the workman. The Management has not properly conducted enquiry. However, the Shops authority has elaborately discussed the issue and found out that the workman has not committed any misappropriation or fraud. During enquiry, the workman has submitted detailed reply with regard to the allegation. However, without considering the same and without giving sufficient opportunity to the workman, the enquiry officer conducted enquiry. Based on which, the management has terminated the service of the workman, which is not sustainable one. Under this circumstances, the Shops Authority has reversed the



order. However, during pendency of the writ petition, the workman died.

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9. Therefore, this Court is inclined to issue a direction to the Management to implement the order passed by the shops authority within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above direction, W.P.No.17597 of 2017 is disposed of. W.P.No.22400 of 2017 is dismissed. No costs.

03-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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M.DHANDAPANI J.

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Animal Husbandry and Fisheries Department,
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