

W.P.No.34446 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 15.04.2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.34446 of 2019 and
W.M.P.No.35125 of 2019

Koonavelampatti Pudhur Agricultural
Co-operative Credit Society,
Koonavelampatti,
Rasipuram Taluk,
Namakkal District.

... Petitioner

Vs.

General Secretary,
Salem Mandala Anaithu Paniyalargal Sangam,
Reg.No.944/SLM,
44-A, Mariamman Kovil Street,
Hasthampatti, Salem - 7.

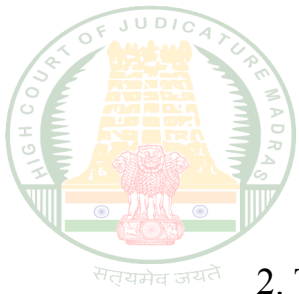
... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records pertaining to the order dated 26.06.2018 on the file of the Labour Court, Salem passed in I.D.No.196/2014.

For Petitioners : Mr.R.Nalliappan
For Respondents : Mr.K.V.Shanmuganathan

ORDER

The Writ petition has been filed to call for the records pertaining to the order dated 26.06.2018 on the file of the Labour Court, Salem passed in I.D.No.196/2014.



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2. The brief facts of the case are as follows:

The Petitioner, Koonavelampatti Pudhur Agricultural Co-operative Credit Society is a registered one which is registered under the Tamil Nadu Co-Operative Societies Act, 1983. One Lakshathipathi who was working as a Writer in the petitioner society suffered with two punishments based on the enquiry report submitted on the disciplinary Proceedings dated 15.04.2008 and 10.12.2009. The Respondent herein who is the General Secretary to the Sangam where the said Lakshathipathi is a member filed an application in I.D.No.196/2014 before the Labour Court, Salem on behalf of the said Lakshathipathi seeking to quash the Order of punishment imposed on him. The Labour Court, Salem on considering the averments placed by both parties, allowed the application in I.D.No.196/2014, against which the present Writ Petition has been filed by the petitioner Society.

3. The learned counsel for the petitioner submitted that admittedly the individual workman admitted his guilt vide his reply dated 02.01.2008, in which, he admitted that he was the partner of the Vinayaga Finance upto 03.11.2004. The workman has deposed such admission before the Labour Court. Even then, the Labour Court set aside the punishment imposed against the individual workman, which is not sustainable.



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4. Per contra, the learned counsel for the respondent submitted that admittedly the workman is sleeping partner in the finance company upto 02.01.2008. The sleeping partner could not receive any benefits from the said finance company. Therefore, the Labour Court set aside the entire punishment as against the workman, which is perfectly in order and the same needs no interference by this Court.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available before this Court.

6. Admittedly, the workman has entered into service in the year 1981 as Salesman and he was regularized service in the year 1983. Parallely, the very same workman was acted as a partner in Vinayaga Finance company upto 2004., which was not disputed by the individual workman before the enquiry officer. A complaint has been received against the workman who was working as writer in the petitioner Society, unlawfully received deposit from the members of the Society as if Society has received the deposit provided loan with high interest rate to the members of the society and for the illegal activities, he has misused the society passbook. On receipt of the complaint, the Deputy Registrar of Co-operative society, Namakkal in his proceedings dated



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24.05.2007 advised the Special Officer of the petitioner society to proceed with

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department proceeding against the said workman. After enquiry, the petitioner has imposed stoppage of increment for five years and stoppage of increment for one year. During the enquiry, the individual workman has also accepted the above said charges vide his detailed reply dated 02.01.2008. Even then, the Labour Court has set aside the punishment imposed as against the individual workman, which is unfair. Without examining the said workman before the Labour Court, it is not correct to substantiate the pleadings. Further, the workman has raised the dispute before the Labour Court after lapse of six years which is also not maintainable. Hence, the order passed by the Labour Court is perverse and the same is liable to be set aside. Accordingly, the impugned order passed by the Labour Court is set aside and the punishment imposed by the petitioner as against the workman is restored.

7. With the above observation, the Writ Petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

15.04.2025

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To

General Secretary,



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Salem Mandala Anaithu Paniyalargal Sangam,

Reg.No.944/SLM,

44-A, Mariamman Kovil Street,

Hasthampatti, Salem - 7.



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M.DHANDAPANI,J.

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