



W.A.(MD)Nos.1458 & 1459 of 2019 and 697 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Judgment	Date of Pronouncing the Judgment
27.10.2025	14.11.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD)Nos.1458 & 1459 of 2019 and 697 of 2020
and
C.M.P.(MD)Nos.11759, 11760 and 11774 of 2025**

W.A.(MD)No.1458 of 2019:-

The President,
Thiruchi District Police Officers' Co-operative Thrift
and Credit Society Ltd.,
No1, Manimekalai Street,
Subramaniapuram, Thiruchy – 20.

... Appellant / Petitioner

vs.

1.The Presiding Officer,
Labour Court, District Court Complex,
Thiruchirappalli.

2.V.Aathikesavalu

... Respondents / Respondents



W.A.(MD)Nos.1458 & 1459 of 2019 and 697 of 2020

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 25.01.2019, passed in W.P.(MD)No.2090 of 2010.

For Appellant : Mr.S.Seenivasagam

For R2 : Mr.R.Subramanian

W.A.(MD)No.1459 of 2019:-

1.The Secretary,
Thiruchi District Police Officers' Co-operative Thrift
and Credit Society Ltd.,
No1, Manimekalai Street,
Subramaniapuram, Thiruchy – 20.

2.The President,
Thiruchi District Police Officers' Co-operative Thrift
and Credit Society Ltd.,
No1, Manimekalai Street,
Subramaniapuram, Thiruchy – 20. ... Appellants / 3rd & 4th Respondents

vs.

1.V.Aathikesavalu ...1st Respondent / Petitioner

2.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai. ... 2nd Respondent / 1st Respondent

3.The Presiding Officer,
Labour Court, District Court Complex,
Thiruchirappalli. ... 3rd Respondent / 4th Respondent



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W.A.(MD)Nos.1458 & 1459 of 2019 and 697 of 2020

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 25.01.2019, passed in W.P.(MD)No.8168 of 2009.

For Appellants	: Mr.S.Seenivasagam
For R1	: Mr.R.Subramanian
For R2	: Mr.S.R.A.Ramachandran Additional Government Pleader

W.A.(MD)No.697 of 2020:-

V.Aathikesavalu ... Appellant / Petitioner
vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai – 600 009.
- 2.The Secretary,
Tiruchirappalli District Police Officers Co-operative Society Ltd.,
District Police Office,
Collector Office Compound,
Trichy.
- 3.The President,
Tiruchirappalli District Police Officers Co-operative Society Ltd.,
District Police Office,
Collector Office Compound,
Trichy.



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4.The Presiding Officer,
Labour Court, Trichy.

... Respondents / Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 25.01.2019, passed in W.P.(MD)No.8168 of 2009.

For Appellant

: Mr.R.Subramanian

For R1

: Mr.S.R.A.Ramachandran
Additional Government Pleader

For R2 and R3

: Mr.S.Seenivasagam

COMMON JUDGMENT

C.V.KARTHIKEYAN, J.

All the three Writ Appeals arise from a common order passed in W.P.(MD) Nos.8168 of 2009 and 2090 of 2010, dated 25.01.2019.

2. W.P.(MD)No.8168 of 2009 was filed by the appellant in W.A.(MD)No. 697 of 2020. The appellant, who had been appointed as a Junior Assistant in the Tiruchirappalli District Police Officers' Co-operative Thrift Credit Society Limited, questioned an award dated 30.04.2009 passed by the Labour Court, Tiruchirappalli in I.D.No.108 of 1992. The award directed the writ petitioner to be reinstated into service, but without backwages.

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3. Challenging the award, the Management also filed W.P.(MD)No.2090 of 2010. The Workman had filed W.P.(MD)No.8168 of 2009.

4. The facts have a long and deep history. The Workman, V.Athikesavalu, was appointed as Junior Assistant in the Tiruchirappalli District Police Officers' Co-operative Thrift and Credit Society Limited and joined duty on 25.06.1973. He sought promotion but received a charge memo dated 12.10.1979, alleging that he had suppressed the fact that he was previously suspended by his former employer, the Trichy Town Co-operative Society Limited.

5. A domestic enquiry was conducted, and he was terminated from service on 18.05.1981. Challenging the termination, he filed O.S.No.423 of 1984 before the District Munsif Court at Tiruchirappalli. The said suit was partly decreed on 05.10.1988. He then filed A.S.No.23 of 1989 before the Sub Court at Tiruchirappalli, which was dismissed on 18.10.1989.

6. The Workman then raised an Industrial Dispute in I.D.No.108 of 1992 before the Labour Court at Tiruchirappalli. The Labour Court initially dismissed



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the dispute by Award dated 29.12.1993. He filed W.P.No.17743 of 1994, which was disposed of by remitting the matter back to the Labour Court. The Labour Court again dismissed the dispute by Award dated 01.07.1999.

7. Subsequently, he filed W.P.No.17853 of 1999, which was allowed on 22.09.2008, but the matter was again remitted to the Labour Court. By the third Award dated 30.04.2009, the Labour Court held that the order of dismissal was liable to be set aside and directed reinstatement. However, it denied backwages and held that he would be entitled only to retirement benefits holding that he was in deemed service from the date of dismissal until his retirement on 31.03.2004. This Award was challenged by both the Management and the Workman.

8. The learned Single Judge, after examining the issues, held that the Workman was entitled to compensation for wrongful dismissal and directed the payment of a sum of Rs.2,00,000/- as compensation. Questioning the said direction, three Writ Appeals have been filed, two by the Management and one by the Workman.



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9. Heard the arguments advanced by the learned counsels on either side.

10. The appellant in W.A.(MD) No. 697 of 2020, V. Athikesavalu, was appointed as a Junior Assistant in the Tiruchirappalli District Police Officers' Co-operative Thrift and Credit Society Limited. He joined duty on 25.06.1973. Subsequently, he was issued a charge memo dated 12.10.1979. It was contended that he had suppressed a vital and material information regarding the fact that he was under suspension by an order passed by the Trichy Town Co-operative Society Limited at the time of joining as Junior Assistant. An enquiry had been conducted in this regard; however, the records indicate that the principles of natural justice were not followed during the course of that enquiry. Despite this, he was dismissed from service on 18.05.1981.

11. Challenging his dismissal, the Workman, V.Athikesavalu, filed O.S.No. 423 of 1984 before the District Munsif Court at Tiruchirappalli. The Management joined issues and contested the case. After examining the oral and documentary evidence adduced by both sides, the learned District Munsif, by judgment dated 05.10.1988, partly decreed the suit by declaring the order of dismissal as null and void, but held that the Civil Court could not issue a direction for reinstatement.



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12. This judgment of the District Munsif Court was challenged in A.S.No. 23 of 1989 by the Workman, V.Athikesavalu. The Appeal Suit came up for consideration before the II Additional Sub Court at Tiruchirappalli, and by judgment dated 18.10.1989, the same was dismissed.

13. By these proceedings, the declaration that the order of dismissal was null and void had attained finality, as no further appeal had been filed. Primarily seeking reinstatement, the Workman, V.Athikesavalu, raised an Industrial Dispute and filed I.D.No.108 of 1992 before the Labour Court at Tiruchirappalli. The dispute was initially dismissed by Award dated 29.12.1993. This Award was challenged in W.P.No.17743 of 1994, and the matter was remitted back to the Labour Court. A subsequent Award was passed on 01.07.1999, again dismissing the Industrial Dispute, which was challenged in W.P.No.17853 of 1999, leading to a second remand to the Labour Court.

14. A third Award was ultimately passed on 30.04.2009, setting aside the order of dismissal. By that time, however, the Workman had attained the age of superannuation on 31.03.2004. The Labour Court directed that the Workman



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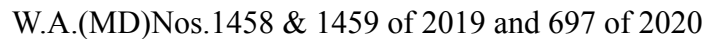
would be entitled to retirement benefits, construing that he was in deemed service from the date of dismissal until 31.03.2004, but denied backwages.

15. This Award was challenged by both the Workman and the Management before the learned Single Judge of this Court through two separate Writ Petitions. The learned Single Judge held that the Labour Court was justified in denying backwages, but observed that the Workman had been put to difficulties on account of the alleged illegal action taken by the Management. As an alternative, the learned Single Judge granted compensation of Rs.2,00,000/-.

16. The said order has now been challenged through the filing of these three Writ Appeals.

17. We have heard the learned counsels at length.

18. The learned counsel for the Management contended that the Workman had suppressed the fact that he had been under suspension by his previous employer at the time of his appointment. However, this is a matter that cannot be



19. The learned counsel for the Workman argued that the denial of backwages was not justified. We, however, note that though the Workman had stated in his affidavit that he was not gainfully employed elsewhere, before the Labour Court, he had not pleaded this fact. This had been the primary basis for denying backwages. This statement made in the affidavit filed in the Writ Petition was clearly an afterthought and does not alter the findings in the previous proceedings.

20. We take note of the fact that the issue of termination from service has been agitated for over four decades, starting from the issuance of the charge memo dated 12.10.1979, continuing until the Workman's retirement on 31.03.2004, and even thereafter through the filing of Writ Petitions and Writ Appeals. In the interest of all parties, it is only prudent that the matter is put to rest. The Management cannot now contend that there was suppression of fact at



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the time of initial employment, since it has been held that the order of termination was illegal, and the principles of natural justice were not followed prior to issuing such an order. Similarly, the Workman had not specifically pleaded before the Labour Court that he was not gainfully employed.

21. In view of these facts, we are of the opinion that it would best serve the cause of justice to uphold the order of the learned Single Judge, directing payment of compensation, and there is no ground to interfere with it.

22. In the result, all the Writ Appeals are dismissed. The compensation shall be paid within a period of four weeks from the date of receipt of a copy of this judgment, failing which, it shall carry interest at 12% per annum until the date of actual payment. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes
NCC : Yes
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[C.V.K., J.] & [R.V., J.]
14.11.2025



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To

- 1.The Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai.
- 2.The Presiding Officer,
Labour Court, District Court Complex,
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- 3.The President,
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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

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PRE-DELIVERY COMMON JUDGMENT MADE IN
W.A.(MD)Nos.1458 & 1459 of 2019 and 697 of 2020

14.11.2025