



CMP(MD). No.6588 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Fifth day of February Two Thousand and Twenty Five

PRESENT

The HONOURABLE DR. JUSTICE G.JAYACHANDRAN
AND
The HONOURABLE MS. JUSTICE R. POORNIMA

CMP(MD). No.6588 of 2022

J.Rameena,

... Petitioner/ Appellant/2nd Respondent
Vs

1 The Management,
Mu 8 Usilampatti Agricultural Producers
Co-operative Marketing Society Ltd.
Usilampatti Post,
Madurai District.

... 1st Respondent /1st Respondent
/Petitioner

2 The Tamil Nadu Shop Establishment,
Appellate Authority
(Deputy Commissioner of Labour),
Madurai, Madurai District.

... Respondent/Respondent/Complainant



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Prayer in CMP(MD). 6588/ 2022 :

The Civil Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 143 days in preferring this civil miscellaneous petition for restoration of Writ Appeal no.1572 of 2018 dated 01-07-2021 on the file of this Court.

Prayer in CMP(MD) SR.43124/2022

The Civil Miscellaneous Petition filed under Section 151 of Civil Procedure Code, to restore the case in Writ Appeal No.1572 of 2018 on the file of this Court, which was dismissed for Non-Prosecution by order dated 01.07.2021.

Prayer in WP(MD). 18919/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the case No. TNSE 8/2012 dated 21.06.2017 on the file of the 1st respondent and quash the same.

Prayer in WA(MD). 1572/ 2018 :

Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in WP(MD) No.18919 of 2017, dated 27.02.2018.

For Petitioner(s): No appearance

For Respondent-1:Mr.S.Karthick

For Respondent-2:Mr.D.Gandhiraj,
Special Govt.Pleader



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ORDER

(Order of the Court was made by the Hon'ble **DR.G.JAYACHANDRAN., J.**)

This application is filed to condone the delay of 143 days in filing the application to restore W.A(MD)NO.1572 of 2018, which was dismissed for default on 01.07.2021.

2.When the matter is called, there was no representation for the Petitioner.

3.It is a case of shortage of stock in a Ration Shop leading to departmental action against the Petitioner herein, who is working as a Sales Women in the first respondent-Society. In the departmental proceedings, charge against the Petitioner was proved and she was dismissed from service. In the appeal preferred by the Petitioner, the same was allowed by the Appellate Authority vide order, dated 21.06.2017.The said order was challenged by the Management in W.P(MD) No.18919 of 2017. After hearing the parties, the learned Single Judge allowed the Writ Petition and the order impugned in the Writ Petition was quashed. As a consequence, the order of dismissal from service was upheld. While disposing the Writ Petition preferred by the Management, the learned Single Judge made an

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observation that the subsistence allowance payable to the second respondent (Rameena, the Petitioner herein) was not paid and it is the duty of the management to pay the subsistence allowance pending disposal of the enquiry proceedings and directed the Management to pay the amount within a period of four weeks. This order of the learned Single Judge, dated 27.02.2018 was challenged by the Petitioner herein.

4.However, when the matter was taken up for consideration on 29.06.2021, there was no representation on behalf of the Petitioner and hence, the case was again posted on 01.07.2021 under the caption "for dismissal". On that day, there was no representation for the appellant and hence, the Division Bench of this Court dismissed the appeal for non-prosecution. For restoring the appeal, the Petitioner has taken 143 days and the present petition is filed to condone the delay of 143 days in preferring the restoration application.

5.When the matter is taken up for consideration today, there is no representation for the Petitioner. The learned counsel for the Society/first respondent and the learned counsel for the second respondent are present and they would submit that the order of the learned Single Judge to be sustained.



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6.In view of the fact that the guilt of the Petitioner has been proved in the enquiry proceedings, the learned counsel for the first respondent would submit that the recovery proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act has been initiated and the loss caused to the society was also recovered from the Petitioner .

7.In the light of the above facts, this Court finds no reason to entertain this application for condoning the delay of 143 days in filing the application to restore W.A.NO.1572 of 2018, which was dismissed for default on 01.07.2021.

8.Hence, this application stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/02/2025

Sub Assistant Registrar
(CS- I, II, III, IV)

vsn

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To
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1. The Management,
MU 8 Usilampatti Agricultural,
Producers Cooperative Marketing Society Ltd.,
Usilampatti Post,
Madurai District.

2. The Tamil Nadu Shops Establishment
Appellate Authority,
(Deputy Commissioner of Labour),
Madurai,
Madurai District.

ORDER DATED : 05/02/2025

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ORDER

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CMP(MD). No.6588 of 2022
in
WA(MD).No.1572 of 2018.

VN (13/02/2025) 6P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.