



W.P(MD)No.20894 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2025

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.20894 of 2022 and  
WMP(MD) No.15142 of 2022

The Management,  
MU 8 Usilampatti Agricultural Producers  
Co-operative Marketing Societies Ltd.,  
Thru its General Manager,  
Madurai Main Road,  
Usilampatti Post,  
Madurai District.

... Petitioner

Vs

K.Murugan

...Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the Labour Court, Madurai made in Impugned Order in CP no. 49/2017 dated 13.5.2022 and quash the same as illegal.

|                |                     |
|----------------|---------------------|
| For Petitioner | : Mr.Pethanaraj.C.G |
| For R1 to R3   | : Mr.G.Murugan      |



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## **ORDER**

The Management of the Primary Agricultural Co-operative Bank has filed this writ petition as against the order passed by the Labour Court, Madurai in CP No. 49 of 2017, dated 13.05.2022.

2.The said claim petition was filed by the respondent employee, under Section 33(C)(S) of the ID Act, claiming difference of salary for the period from 23.11.2011 to 31.12.2013. The Labour Court has allowed the claim petition, directing the respondent to pay a sum of Rs.2,38,979/- to the respondent, under the second head after adjusting the subsistence allowance, if any paid and has denied the other claim of leave wages etc., Aggrieved by that, the Management has preferred this writ petition.



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3.The main contention of the learned counsel for the petitioner Management is that the respondent employee was suspended during the period from 23.11.2011 to 31.12.2013 for certain grave charges contemplated as against him. According to the learned counsel, the respondent employee was a salesman in a fair price shop run by the petitioner Society. There was an inspection in the said Fair Price Shop by a flying squad. The flying squad has found shortage of rice, kerosene and sugar in the Fair Price Shop and therefore, the flying squad has recommended for disciplinary proceedings as against the respondent/salesman. Accordingly, a disciplinary proceedings was initiated as against the respondent. Pending disciplinary proceedings, he was placed under suspension on 23.11.2011. The enquiry officer has found him guilty of the charges and submitted his report, based on which, the respondent employee was dismissed from service on proved charges on 23.11.2011. However, it has been set aside by the revisional authority, by order, dated 20.09.2013, directing the Management to conduct a fresh enquiry. In the subsequent fresh enquiry, the enquiry



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officer has found that the charges have not been proved and therefore, he was reinstated into service on 31.12.2013. Pursuant to the first enquiry report, he was dismissed from service and that has been set aside by the Revisional Authority subsequent to the report of the second enquiry officer that the charges have not been proved. According to the learned counsel, this will not confer any right on the respondent claiming salary for the relevant period.

4.The learned counsel for the respondent submits that the order of dismissal, dated 23.11.2011 has been set aside by the Revisional Authority, under Section 153 of the Tamil Nadu Co-operative Societies Act, and the subsequent enquiry officer has found that the charges have not been proved. Therefore, the respondent employee was reinstated into service. Once he has been reinstated into service, he is entitled for the wages including the disputed period.



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5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The respondent was a salesman in a Fair Price Shop run by the petitioner's Society. There was an inspection by a flying squad in that Fair Price Shop. Based on their inspection report, a disciplinary proceedings was initiated and a charge memo was issued as against the respondent/employee. The charges are as under:-

**Charge 1:** When the flying Squad inspected the Fair Price Shop, there was a shortage of 3 kgs of rice.

**Charge 2:** The employee has sold 6398 kgs of rice, 618 kgs of sugar, and 910 litres of kerosene in the open market.

The first enquiry officer found that the charges levelled as against the respondent employee have been proved. Based on the enquiry report, he was dismissed from service on 23.11.2011. However, the order of dismissal has been subsequently set aside by the revisional authority, by its order, dated 20.09.2023 and the matter was remanded to the petitioner Management for fresh enquiry. During



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the second enquiry, the respondent employee was exonerated from the charges and the same has also been accepted by the Management. Accordingly, he was re-instated into service on 31.12.2013 and he was also allowed to retire from service, on attaining the age of superannuation on 31.10.2016. The respondent has filed a claim petition, claiming difference of salary for his dismissal period on the ground that the order of dismissal was set aside by the revisional authority, based on which, he was also reinstated into service and served till his retirement. The claim petition was allowed by the Labour Court. The petitioner Management has attacked the order of the Labour Court that during the relevant period, the respondent employee has not rendered any service and therefore he is not entitled for wages.

7.This Court is of the view that the respondent employee has not rendered any service, pursuant to the order of dismissal and on the principles of "no work, no pay", he is not entitled for any wages for the dismissal period.



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8. Accordingly, this writ petition is allowed. The impugned order passed by the Labour Court, Madurai in CP No. 49 of 2017, dated 13.5.2022 is set aside. No costs. Consequently, connected Miscellaneous petition is closed.

**20.11.2025**

NCC: Yes/No  
Index: Yes/No  
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**B.PUGALENDHI, J.**

vrn

**Order made in**  
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