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WP No. 8022 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 8022 of 2026
and WMP No. 8672 OF 2026**

S.Manimaran
S/o Late.G.Sundaramurthy
No.25, 26 AVR Bankers City
Pathirikuppam, Cuddalore 607 401.

..Petitioner

Vs

1. The Registrar of Co-operative Societies
No.170, NVN Maligai, Kilpauk,
Chennai -10.
2. The Registrar of Co-operative Societies
Cuddalore Region, Cuddalore.
3. Cuddalore District Central Co-operative Bank
Rep by Joint Registrar/Administrator,
Cuddalore 607 001.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to re-instate the petitioner in service pursuant to the order of the 2nd respondent in Na.Ka.5608/2025/Thuvathal dated 14.10.2025 and pay the salary due to the petitioner from 14.10.2025 to 28.02.2026 within interest at the rate of 12 % per annum and pass such further other orders as this Honble Court.

For Petitioner:

Mr.M.S.Palaniswamy

For Respondents:

Mr.S.Ravikumar
Special Government Pleader (Co-Operative)
for R1 to R3



ORDER

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The petitioner has invoked the extraordinary jurisdiction of this Court seeking a mandamus to the third respondent to reinstate him in service, pursuant to the orders of the second respondent dated 14.10.2025 and to pay him the salary due from 14.10.2025 to 28.02.2026 with interest at 12% per annum.

2. The facts that led to the filing of the writ petition are as follows :

- (a) The petitioner was appointed as Assistant in the 3rd respondent Bank on 08.01.2001 on compassionate ground, and was promoted as Assistant Manager on 22.06.2009 and as Manager on 06.03.2013. He has rendered 23 years of satisfactory service.
- (b) In 2023, Tmt.V.S.Gomathi assumed office as Administrator in the 3rd respondent Bank. On 19.04.2023, she issued a charge memo against the petitioner, to which, the petitioner had submitted a detailed explanation on 25.04.2023 denying the charges. Despite which, a domestic enquiry was conducted and order of suspension was issued on 09.07.2024, and ultimately, the petitioner was dismissed from service on 30.09.2024.
- (c) Challenging the same, the petitioner had preferred a revision under Section 153 of the Tamil Nadu Co-operative Societies Act, before the second respondent. Since no order was passed in the revision, the



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petitioner had filed W.P.No.12558 of 2025. This Court was pleased to allow the writ petition and directed the second respondent to pass orders within a period of six weeks from the date of receipt of a copy of the order. Pursuant to the directions of this Court, the second respondent passed an order on 14.10.2025, setting aside the order of dismissal and held that the punishment imposed by the 3rd respondent is disproportionate and accordingly, directed the 3rd respondent to reinstate the petitioner into service, and however, it modified the punishment to one “No work, No pay” till reinstatement and directed to stop increment for the next three years with cumulative effect.”

(d) Pursuant to the said order, the petitioner had submitted several representations for reinstating him in service and to pay the salary. However, the 3rd respondent failed to comply with the order. The petitioner later came to learn that the said Administrator had recommended to file a revision before the Government against the order dated 14.10.2025. Therefore, the petitioner's representation was not considered.

(e) Thereafter, the petitioner received a notice dated 29.01.2026 from the 2nd respondent intimating that the 3rd respondent-Bank had filed a review petition under Section 153 of the Tamil Nadu Co-operative Societies Act, and the petitioner was directed to submit his written statement. In the review petition, the authorities have not obtained an



order of stay.

Therefore, the petitioner is before this Court seeking the aforesaid relief.

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3.The grievance of the petitioner is that he was without employment and salary for over 17 months, and hence, he finds it very difficult to maintain his family. The petitioner would submit that since no order of stay was obtained by the 3rd respondent-Bank, it is duty bound to pay the salary to him from 14.10.2025. But the respondents have neither reinstated him into service nor paid him the salary.

4. Heard the learned counsel appearing on either side and also perused the materials available on record.

5.Admittedly, the second respondent by its order dated 14.10.2025, has set aside the order of dismissal passed by the Bank. Even thereafter, despite his several representations, the 3rd respondent-Bank had not reinstated the petitioner into service. That apart, even the representations of the petitioner dated 10.11.2025 and 18.12.2025 to the first respondent did not evoke any response. Hence, the petitioner is before this Court.

6. The first respondent would submit that they have preferred a revision before the first respondent challenging the order of the second respondent dated



14.10.2025, and the same is pending. Therefore, the orders of the second respondent dated 14.10.2025 could not be complied with.

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7. In the judgment in W.A.No.1592 of 2015, dated 03.11.2015, [**C.2466, Mittur Primary Agricultural Co-operative Credit Society Ltd Vs. The Registrar, Office of the Registrar of Co-operative Societies, Chennai**], the Division Bench of this Court has observed that Section 17-B of the Industrial Disputes Act, 1947 prescribes that in the pending proceedings before the Courts, the workman is entitled to payment of last drawn wages, vide two options i.e., (i) to reinstate the employee; or (ii) to pay last drawn wages to the employee till the disposal of the writ petition.

8. In the other judgment of the Division Bench in W.A.No.924 of 2019, dated 22.03.2019 [**Sri Mushnan Centre Teachers Co-op. Thrift and Credit Society (E.2424) Vs. P.Motacharakkini**], the Bench had relied upon the judgment of the Hon'ble Supreme Court in **Bharat Singh Vs New Delhi Tuberculosis Centre** reported in **(1986) 2 SCC 614**, in which it has been held that Section 17-B of the Industrial Disputes Act, 1947 has been enacted for helping the workman to tide over the long pendency of disputes in Tribunals and Courts, vis-a-vis., on account of the dilatory tactics that the employer would adopt. Further, it relied on the judgement in **Dena Bank Vs Ghanshyam** reported in **(2001) 5 SCC 169**, and has held that this Court in exercise of powers



under Article 226 of the Constitution, is not precluded from passing orders akin to Section 17-B of the Industrial Disputes Act, 1947 in the writ petition itself and ultimately, it disposed of the appeal.

9. This Court is of the view that the decisions referred to above would hold good to the case on hand. Since the third respondent would submit that reinstating the petitioner into the service is not possible as statutory revision/appeal under Section 153 of the Tamil Nadu Co-operative Societies Act, is filed by them challenging the order of the second respondent dated 14.10.2025, the 3rd respondent shall pay the salary to the petitioner with effect from 14.10.2025 upto date and shall continue to pay the salary till the disposal of the statutory revision/appeal. It is needless to state that if the 3rd respondent fails in the revision, the petitioner shall be reinstated into service.

10. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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