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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WA No. 2834 of 2024

The Management

K.K.123, Irudhukottai Primary,

Agricultural Co-operative Credit Society Ltd, Rep.

by its Administrator, Irudhukottai, Thenkanikottai,

Krishnagiri District.

..Appellant(s)

Vs

1. The Presiding Officer

Labour Court, Salem.

2. G. Vijayakumar

..Respondent(s)

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order in so far as dismissed the writ petition and confirming the order of the Labour Court in WP No.1235 of 2015 dated 19.01.2024 on the file of this Court.

For Appellant(s):

Mr.M.S. Palaniswamy

For Respondent(s):

Mr.R.Dhanasekar, For R2.

R1 - Labour Court.



JUDGMENT

(Judgment of the Court was delivered by C.Kumarappan J.)

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The present writ petition has been filed assailing the order of the learned Single Judge dated 19.01.2024.

2. The brief facts which are necessary for disposal of the present writ petition is that 2nd respondent was working as a fertilizer salesman between the period from 01.11.1996 to 28.07.1997. A statutory enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as the 'Act' for brevity) was ordered. Based on which, an FIR was registered against the 2nd respondent and he was later on arrested on 10.06.2003 in Crime No.3 of 2023 under Sections 408, 409, 477A r/w 120B of IPC by Commercial Crime Investigation Wing, Dharmapuri. Immediately after the arrest of the 2nd respondent, he was suspended from service on 11.06.2003. Therefore, the 2nd respondent was convicted on 13.04.2005, in CC.No.17 of 2004 before the Judicial Magistrate, Thenkanikottai.

3. In pursuance of the above conviction a notice was issued under Rule 149(4) of the Tamil Nadu Co-operative Societies Rules (hereinafter referred to as the 'Rules' for brevity) and he was later on dismissed from service on 17.07.2008. It is pertinent to mention that, though notice was issued on 30.06.2008, no reply was submitted by the 2nd respondent. After dismissal, the 2nd respondent raised an industrial dispute in ID.No.106 of 2009 before the



Labour Court, Salem, which set aside the dismissal and reinstated him.

Aggrieved by the same, the Management preferred writ petition in WP.No.1235 of 2015, wherein the learned Single Judge after having considered the entire issues, has remitted back the matter before the enquiry officer and simultaneously confirmed the order of the Labour Court dated 22.09.2014. Aggrieved with the same, the management preferred the present appeal.

4. Heard Mr.M.S. Palaniswamy, the learned counsel for the petitioner and Mr.R.Dhanasekar, learned counsel for the 2nd respondent.

5. Learned counsel for the petitioner would vehemently submit that the very order of the learned Single Judge is self contradictory. Having the Writ Court remitted back the matter before the enquiry authority, the very confirmation of the order of the Labour Court for reinstatement would run counter to its own order. Further submission of the learned appellant counsel is that, by virtue of Rule 149(4), any conviction by the Criminal Court would entail the employer to dismiss the employee. In this case, only based upon the conviction, he was dismissed. Therefore, there was no infirmity in the order of the authority. Hence, it is the submission of the learned counsel for the appellant that the order of the Labour Court as well as the order of the Single Judge is liable to interfered with.



6. Per-contra, the learned counsel for the 2nd respondent would contend that though there were certain financial losses to the appellant management, such financial loss was subsequently made good by the 2nd respondent.

Therefore, there was no loss to the appellant. It is the further submission of the learned counsel for the 2nd respondent that though other members were also prosecuted in the criminal proceedings, and were also convicted, those persons were not dismissed, whereas the 2nd respondent alone was singled out and dismissed from service. Therefore, there is a discrimination. Hence, interference made by the writ Court is in order. Hence, there is no necessity to interfere with it.

7. We have given our anxious consideration to either side of the parties.

8. As rightly contended by the learned appellant counsel, while looking at the order of the learned Single Judge, particularly in the penultimate paragraph, the learned Single Judge found that the matter should be remitted back to the original authority to pass a fresh order, following the due process of law, within a period of 12 weeks. Having remitting back the matter to the original authority, he subsequently confirmed the reinstatement ordered by the Labour Court. Therefore, as rightly contended by the appellant Counsel once the matter is remitted back to the stage of domestic enquiry, the question of confirmation of the order of reinstatement, which was the adjudicated by the Labour Court only undo the earlier part of the order. Therefore, there is an



apparent error on the face of the order of the learned Single Judge.

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9. Apart from that, it is an admitted fact that the 2nd respondent was convicted by the Criminal Court in CC.No.17 of 2004. Once a person is convicted by the competent Court, according to Rule 149(4), "*An employee shall cease to be as such in a society, if he is found guilty of any such offence.*" In the case on hand, based upon the above provisions, the appellant has dismissed the 2nd respondent after affording opportunity by issuing a show cause notice. Therefore, we absolutely do not find any infirmity in the order of the authority in dismissing the 2nd respondent.

10. At this juncture, it is the grievance of the 2nd respondent that the other co-accused, who were also allegedly involved in the above criminal case were re-instated, whereas this 2nd respondent was singled out and terminated from service. While looking at the facts of the instant case, the other accused those who were tried in CC.No.17 of 2004 along with the 2nd respondent are not the employee of the appellant society. Therefore, the very parity claimed by the 2nd respondent is untenable. Therefore, we are of the considered view that the order of the learned Single Judge and Labour Court is liable to be set aside.



11. In the result, the order made in WP No.1235 of 2015 dated 19.01.2024 is set aside by allowing this writ appeal. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (C.K.,J.)
16-02-2026

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

To

1. The Presiding Officer
Labour Court, Salem.



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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

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