



WA No. 166 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 166 of 2026 AND
CMP NO. 1293 OF 2026**

The President, Y.A 89, Periyathukurichi Primary,
Agricultural Co-Operative Credit Society,
Periyathukurichi and Post,
Kavarapalayam Via Udayarpalayam Taluk,
Ariyalur District.

..Appellant

Vs

1. R.Balaguru
S/O V.Rajadurai, Sppraikuzhi Village,
Andimadam Post, Udayarpalayam Taluk,
Ariyalur District.
2. The Joint Registrar Of Co Operative Societies
Ariyalur Region,
Ariyalur District.
3. The Deputy Registrar Of Co-Operative Societies
Ariyalur Region, Ariyalur District.
4. The Assistant Commissioner Of Labour
Trichy, Trichy District.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 09.11.2023 made in W.P.No.17175 of 2021.



WA No. 166 of 2026

For Appellant :

Ms.P. Charushree
for Mr.J.Kamaraj

For Respondents :

Mr.M.Kaviveerappan- For R1
Mr.S.Ravikumar, Special Government Pleader
For RR2 To 4

Judgment
(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the Writ Court dated 09.11.2023 made in W.P.No.17175 of 2021.

2. The respondent was the writ petitioner, who was an employee of the appellant Society against whom disciplinary proceedings is claimed to have been initiated, but enquiry report has not been filed before this Court. He was dismissed from service on 30.07.2012 alleging that he is involved in certain irregularities. When the criminal case in this regard was pending, the Society entered into a settlement under Section 12(3) of the Industrial Disputes Act with the employee for reinstatement of the employee. The fourth appellant / Assistant Commissioner of Labour also passed an order on 12.05.2014 in terms of the settlement. Thereafter, on 10.09.2014, the respondent / writ petitioner has given a request for reinstatement and that was not considered. Therefore, he has filed a writ petition in W.P.No.31445 of 2014 seeking for a Writ of Mandamus directing the respondents, who are appellants herein, to implement the order passed by the fourth respondent dated 12.05.2014.



WA No. 166 of 2026

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3. That writ petition was heard and allowed by the Writ Court by order dated 24.04.2019 in the following terms:

" 5. It is also not disputed by the parties concerned that the second respondent had not taken any action against the third respondent society for entering 12(3) settlement agreement between the parties. Therefore, this Court assumes that the second respondent had not agitated the matter and not taken action for cancellation of the said order.

6. In view of the above said facts and submission, this Court is inclined to direct the second respondent to pass appropriate orders by directing the third respondent to implement the order of the fourth respondent, if there is no legal impediment, as expeditiously as possible, within a period of four months from the date of receipt of a copy of this order.

7. With the above observations, this writ petition stands disposed of. However, there shall be no order as to costs."

4. The order of the learned Single Judge dated 24.04.2019 made in W.P.No.31445 of 2014 has become final, as no appeal has been preferred either by the Deputy Registrar or any officials of the present appellant Society.



WA No. 166 of 2026

WEB COPY

5. When that being the position, since there has been no orders passed reinstating the respondent / writ petitioner pursuant to the order passed by the Writ Court in the first round of litigation by order dated 24.04.2019, all of a sudden the impugned order before the Writ Court since has been passed on 21.12.2019, whereby the request of the writ petitioner for reinstatement having been considered was rejected, the present writ petition in W.P.No.17175 of 2021 was moved.

6. Learned Writ Court, having considered these factual matrix, especially Section 12(3) settlement reached between the employee and the employer ie., the present appellant Society and the orders already passed by the Writ Court by order dated 24.04.2019 in W.P.No.31445 of 2014, was pleased to quash the order of rejection dated 21.12.2019, which was impugned before the Writ Court and thereby the writ petition was allowed by order dated 09.11.2023.

7. Assailing the said order, an attempt has been made by the learned counsel for the appellants to state that the Deputy Registrar, though had not opposed the Section 12(3) settlement reached earlier, subsequently he has come forward to oppose and this position has been reiterated by the learned counsel for the Deputy Registrar also.



8. However, the fact remains that the order dated 24.04.2019 made in W.P.No.31445 of 2014 has not been questioned, as the prayer in the said writ petition was only to implement the order passed by the Assistant Commissioner of Labour dated 12.05.2014 pursuant to the Section 12(3) settlement under the Industrial Disputes Act.

9. When that being the position, the order passed by the Society ie., the appellants dated 21.12.2014, refusing to take the employee by making the reinstatement may not be justifiable. Therefore, considering these aspects since the writ petition was allowed by the learned Judge through the impugned order, we do not find any plausible reason to interfere with the same. As a result, the writ appeal fails and is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10. It is made clear that the order passed by the writ Court shall be implemented within a period of two months from the date of receipt of a copy of this order. Till the two months period, no coercive steps shall be taken by the respondent / writ petitioner including contempt proceedings. It is also made clear that within two months period if the orders passed by the Writ Court as directed in the present judgment is not complied with, it is open to the respondent / writ petitioner to pursue the contempt proceedings in accordance with law.



WA No. 166 of 2026

WEB COPY

(R.S.K.,J.) (S.S.A.,J.)
03-02-2026

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

KST

To

1. The Joint Registrar Of Co Operative Societies
Ariyalur Region, Ariyalur District.
2. The Deputy Registrar Of Co-Operative Societies
Ariyalur Region, Ariyalur District.
3. The Assistant Commissioner Of Labour
Trichy, Trichy District.



WEB COPY



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03-02-2026

Page 7 of 7