



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 10.02.2026

Orders pronounced on : **02.04.2026**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.3879 and 3882 of 2024
and W.M.P.Nos.4200 and 4203 of 2024

S.Manikandan

.. Petitioner
in W.P.No.3879 of 2024

R.Vellingiri

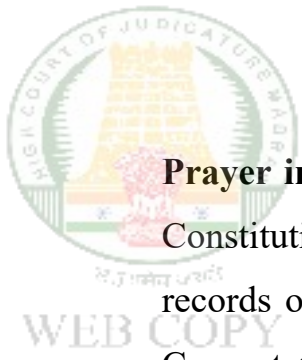
.. Petitioner
in W.P.No.3882 of 2024

Versus

The Management,
Coimbatore District Central
Cooperative Bank Ltd.,
80, State Bank Road, P.O.Box No.3781,
Coimbatore – 18.

.. Respondent
in both the cases

Prayer in W.P.No.3879 of 2024 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the award passed by the I Additional Labour Court, Coimbatore in Computation Petition No.56 of 2019, dated 24.08.2023, quash the same and direct the 1st respondent to remit a sum of Rs.1,52,099/- for the period from the date of termination on 13.07.2018 to 30.11.2018 and the salaries and attendant benefits due and payable to the petitioner from the date of termination of the petitioner with interest @ 12%.



Prayer in W.P.No.3882 of 2024 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records of the award passed by the I Additional Labour Court, Coimbatore in Computation Petition No.57 of 2019, dated 24.08.2023, quash the same and direct the 1st respondent to remit a sum of Rs.93,003.60 ps for the period from the date of termination on 13.07.2018 to 30.11.2018 and the salaries and attendant benefits due and payable to the petitioner from the date of termination of the petitioner till date with interest @ 12%.

For Petitioner : Mr.Sundar Narayan
(in both W.Ps)

For Respondent : Mr.G.Anand Gopalan
(in both W.Ps)

COMMON ORDER

A.The Writ Petitions:

These Writ Petitions are filed challenging the award passed by the I Additional Labour Court, Coimbatore, in Computation Petition Nos.56 and 57 of 2019, dated 24.08.2023, and to quash the same. Additionally, they seek a direction to the first respondent-management to remit a sum of Rs.1,52,099/- and Rs.93,003.60 as prayed for in the Computation Petitions from the date of termination until 30.11.2018, along with the salaries and other attendant benefits due to the petitioners from the date of their termination until the date, with further interest at the rate of 12% per annum.



B.The Claim made by the Petitioners:

2. W.P. No. 3879 of 2024 is filed by S. *Manikandan*, and W.P. No. 3882 of 2024 is filed by R. *Velliangiri*. The brief factual background, in which the Writ Petitions arise, is that the respondent-management, Coimbatore District Central Cooperative Bank Limited, is the Central Cooperative Bank that provides loans for various purposes, primarily agricultural ones, through the Primary Cooperative Societies attached to the jurisdiction of its various branches, for the members of those Societies. While so, K-797, Kongalnagaram Primary Agricultural Cooperative Society, was attached to the Pethappampatti branch of the management. Upon reviewing the audit reports and account reports of the Society, it was found that a total sum of Rs. 4,71,00,000/- was collected by the Society. However, Rs. 2,01,00,000/- of this amount was not accounted for and was misappropriated by the office bearers of the Society.

2.1. There were other charges of falsification and embezzlement concerning the said Primary Agricultural Society as well, resulting in losses to the Society and to the respondent-management. Meanwhile, regarding the petitioner in W.P.No.3879 of 2024 - S. *Manikandan*, a charge memorandum containing 10 charges—such as lack of supervision, wilful dereliction of duty to prevent the above illegal acts, and embezzlement—was issued. The petitioner did not submit any written explanation. Later, when an Enquiry Officer was appointed, he submitted a detailed explanation only before the Enquiry Officer



on 07.06.2017. According to him, he was the Superintendent of Pethappampatti branch from 01.10.2009 to 16.10.2012 and served as Divisional Field Manager for Udumulaipettai division from 26.12.2012 to 11.11.2013.

2.2. He had given a detailed explanation regarding each and every charge. He also cross-examined the management witnesses in detail during the Departmental Enquiry. However, by the report dated 31.10.2017, all 10 charges were held to be proved. Based on this, a second show-cause notice was issued to him on 13.11.2017, and he submitted his reply on 22.12.2017. By an order dated 13.07.2018, he was dismissed from service. According to the petitioner, the principal trade union had raised an Industrial Dispute, and conciliation proceedings were pending. Since the petitioner was also one of the workmen involved in that dispute, the impugned order of termination was passed without permission, as required under Section 33(1) of the Industrial Disputes Act, 1947, or without the necessary approval under Section 33(2). Therefore, the order is *void ab initio*, and the petitioner should be deemed to still be in service and entitled to all emoluments during that period. Claiming this, a Computation Petition under Section 33 of the Act in C.P.No.56 of 2019 was filed, but it was dismissed by the impugned award.

2.3. Similarly, the petitioner in W.P.No.3882 of 2024 - *R. Vellingiri*, who was also employed by the respondent-management, was issued a charge



memorandum on 04.06.2016 consisting of 7 charges related to lack of supervision and wilfully not reporting embezzlement and misappropriation, thereby failing to perform his duties. He also submitted his explanation to the Enquiry Officer, stating that he was working as a Supervisor at the Anaimalai branch in January 2011, as Branch Supervisor at Negamam from 16.12.2012, and at the Pethappampatti branch from 09.04.2013. He recommended the loan applications of the Society, namely, K-797, Kongalnagaram Primary Agricultural Cooperative Society, and provided explanations for each charge. The Enquiry authority followed the same procedure and found all seven charges proved in its report dated 20.07.2017. A second show-cause notice was issued on 05.08.2017, to which the petitioner replied on 18.09.2017. He was dismissed from service on 13.07.2018. Following the same procedure, he filed a Computation Petition in C.P.No.57 of 2019, alleging that the management had not obtained permission or approval under Section 33(1) or Section 33(2) of the Act. This petition was also dismissed with a separate order on the same day. Both the Computation Petitions led to the filing of these Writ Petitions.

C.Submissions of the Petitioners:

3. *Mr.Sundar Narayan*, the learned counsel representing the petitioners, would submit the following:

(i)The award of the Labour Court dismissing the claim petitions on the ground that the petitioners should only file an appeal under the Tamil Nadu Co-



operative Societies Act, 1983, is illegal. The appeal remedy is not available to the petitioners. What is available is only filing of a Revision under the Act.

Simultaneously, remedies under the ID Act as well as under certain circumstances under the Tamil Nadu Shops and Establishment Act, 1947, are all available. When multiple remedies are available to a workman, he can elect to avail any one of those remedies. The law in this regard has been settled; therefore, the award of the Labour Court cannot be sustained;

(ii) The petitioners are workmen within the definition of Section 2 (s) of the ID Act. As a matter of fact, the management itself has recognised them as workmen, and even their salary and other benefits were all fixed and revised only as per the settlements under Section 12 (3) of the ID Act. The question has already been settled with reference to the very same management of Coimbatore District Central Co-operative Bank Limited in the earlier judgment in W.A.No.1727 of 2011 and W.P.No.33342 of 2013. Further, merely because they are termed as Field Supervisors, etc., they cannot be deemed part of the management; they are very much workmen, subject to the supervision and control of their higher authorities. As Field Supervisors, Assistant Managers, etc., they have to perform inspections, verify applications, etc., and their decisions are not final. Therefore, at best, their employment can only be regarded as skilled in nature, and both petitioners are workmen within the definition under Section 2 (s) of the ID Act;



(iii) Once they are workmen, then when a dispute raised by the primary trade union is pending adjudication and the workmen were also involved in the said dispute, without following the mandate under Section 33 of the ID Act, in obtaining the prior permission or approval as the case may be from the Industrial Tribunal, when the impugned punishment order is passed dismissing them from service, then as per the dictum of the Constitution Bench Judgment in *Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd., Vs. Ramgopal Sharma and Others*¹, the same is void ab initio. Once the punishment is void ab initio, then it is further settled law that no dispute need be raised to set aside the punishment and therefore, the application for computation has rightly been filed under Section 33 (C) (2) of the ID Act and therefore, the Labour Court ought to have allowed the same. The learned counsel would also rely upon the Judgment in *P.Eswaramoorthy and Others Vs. RJB Leoraj and Others*².

D.Submissions made by the Management:

4. *Per contra*, Mr.Anand Gopalan, the learned counsel appearing for the respondent management, would submit that the petitioners are not workmen; their functions are essentially supervisory and managerial. This has been established on record through cross-examination. Merely because the cadre is mentioned in the settlement under Section 12 (3) of the ID Act, it does not mean

¹ (2002) 2 SCC 244

² (2008) 6 CTC 770



they are treated as workmen. In fact, even the cadres above them, up to the level of General Manager, are mentioned in the 12 (3) settlement. Procedurally, when individual co-operative societies entered into wage revisions, even concerning those in management, the same was recorded in the 12 (3) settlement. Even if this is deemed erroneous, it cannot be conclusive evidence of a person being a workman. If that were the case, even the General Manager of the society would be considered a workman. The learned counsel alternatively contends that, even for a violation of Section 33 of the ID Act, when there is a remedy to file a complaint under Section 33- A, the wording of Section 33 -A indicates that the merits of the order must also be considered in such complaints. Consequently, the action of workmen in directly approaching the Labour Court under Section 33-C(2) of the ID Act cannot be accepted. While it is true that in ***Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd.***, (cited *supra*) it was held to be null and void, a careful review of subsequent judgments indicates that the evolving legal principle is that, for a violation of Section 33, filing a complaint under Section 33-A is the proper remedy, rather than under Section 33-C(2). To support his arguments, the learned counsel relies on the following judgments,

a. Rajasthan State Road Transport Corporation and Another Vs. Satya Prakash³,

b. Management of Karur Vysya Bank Limited Vs. S.Balakrishnan⁴,

c. Bombay Chemical Industries Vs. Deputy Labour Commissioner and

³ (2013) 9 SCC 232

⁴ (2016) 12 SCC 221



*Another*⁵,

d. Managing Director, North East Karnataka Road Transport Corporation

*Vs. Shivasharanappa*⁶

E.Consideration and Findings:

5. I have considered the rival submissions made on either side and perused the material records of the case.

5.1. First, the contextual background should be noted. In this case, charges were levelled against the petitioners, encompassing numerous sub-heads of allegations. It is observed that the petitioner, being the Field Supervisor and the Assistant Manager-in-charge, were responsible for one of the primary cooperative societies, the Kongalnagaram Primary Agricultural Cooperative Society. The staff of this society were under the supervision and control of the petitioners, who engaged in significant misfeasance and malfeasance, including misappropriation and falsification of accounts, leading to the misappropriation of sums through various methods, resulting in a loss of over Rs.8 crores to the society and potentially causing losses to the respondent management, which is the Central Cooperative Bank providing funds to the Primary Cooperative Societies.

⁵ (2022) 5 SCC 629

⁶ (2017) 16 SCC 540



5.2. A careful review of the charges reveals that, for instance, in charge No. 2, the daily collections from loans were recorded in the appropriate ledgers.

When the total collection was Rs. 4,71,00,000/-, only Rs. 2, 70, 00, 000/- was shown in the general register and inspection report as the collection, thereby failing to account for the balance amount collected, which was Rs. 2,01,00,000/-. Similarly, there have been instances of misappropriation of funds through falsification of accounts, where amounts were fraudulently shown as disbursed under gold loan transactions. The charge against the petitioners is that, although they were duty-bound to conduct fortnightly inspections and submit reports verifying at least 10% of the transactions, they failed even to briefly verify the total gold available with the society. Had they done so, the entire scam could have been uncovered. The petitioners contend that one of them was the whistleblower, who exposed the scam. Their second argument is that several outstanding amounts were later recovered. The third contention is that additional safeguards, such as periodic inspections by Co- operative Department auditors, were also in place. Therefore, since these mechanisms did not reveal the alleged scam- especially considering the Secretary's admission of clandestine acts- the respondents should not be held responsible. Several charges, each supported by multiple statements of misconduct, were examined.

5.3. After a detailed disciplinary enquiry, during which the petitioners presented their explanations, cross- examined management witnesses, and after



considering the enquiry report and evidence, the Enquiry Officer found the petitioners guilty of the charges. Even with reference to the charges of collusion and connivance, a finding was returned that the entire episode would not have happened without the active connivance of the petitioners. Subsequently, a second show- cause notice was issued, and the penalty of dismissal was imposed. The petitioners immediately filed an application under Section 33(c) (2), claiming that the punishment was null and void because a dispute was already pending and the order was made without approval or permission from the appropriate Court before which the industrial dispute was pending. In this context, the present question is considered.

5.4. Before deciding the other issues, the first step is to consider whether the petitioners are workmen within the definition under Section 2 (s) of the ID Act. At the outset, there can be no doubt about the legal principles that designation alone is not conclusive. Instead, the primary factor is the nature of the employees' day-to-day duties. After considering the predominant aspect of day-to-day activities, if the employee is only supervisory and earning beyond the threshold pay, or if they mainly perform managerial functions, they will be excluded from the definition. It is also clear that this is a question of fact to be decided on the specific evidence of each case. No rigid formula or universal rule can be applied universally. A useful reference in this regard is the judgment of the Hon'ble Supreme Court of India in *S.K.Maini Vs. Caroa Sahu Company*



Limited and others⁷

5.5. Furthermore, regarding the determinative factor, which is whether the main duty is supervisory or not, supervision is understood to mean directing and controlling the persons working under the employee. Mere power to check or inspect alone does not constitute a supervisory role. It inherently presupposes the existence of subordinates, authority to assign work, duty rosters, issuing instructions, correcting work, granting or recommending leave, appraising or initiating performance reviews, suggesting disciplinary actions, etc. Functional powers such as signing, certifying work completion, countersigning registers, and granting quality clearances, when combined with directing staff, cannot be considered merely ministerial or check-related; rather, they amount to supervisory work. Relevant references include ***S.K.Maini's*** case (stated *supra*) and also ***Burmah Shell Oil Storage and Distribution Company of India Ltd., Vs. Burma Shell Management Staff and Association and Others***⁸.

5.6. Considering the legal position that was outlined *above*, while it is true that entering into a 12 (3) settlement would also indicate that the persons involved are workmen, this alone would not be a conclusive factor. In the present case, the copy of the 12 (3) settlement clearly shows not only the cadre of Assistant Manager, but also includes wage revisions for the cadres of

⁷ (1994) 3 SCC 510

⁸ (1970) 3 SCC 378



Manager, Assistant General Manager, and up to General Manager. Therefore, when co-operative societies carry out wage revisions, they seek permission from the Registrar of Co-operative Societies periodically and revise wages. They also use this opportunity to revise the wages of the executive/managerial staff, even though they are mentioned alongside the workmen in the 12 (3) settlement. Hence, this cannot be considered conclusive.

5.7. It is true that the Hon'ble Division Bench of this Court in W.A.No.1727 of 2011 has held that the very same cadre, concerning the same management, is regarded as workmen. However, the following is the finding of the Hon'ble Division Bench, and it is necessary to quote paragraph No.14, which reads as follows:-

“14.Besides, in the cross examination, M.W.1 had clearly admitted that respondents 2 to 18 do not have the power of signing cheques; they do not have power to take disciplinary action against the subordinates; they are not entitled to enter into any settlement on behalf of the Bank; and they cannot sue on behalf of the Bank. It is also further admitted that though they are entitled to grant ordinary leave viz., casual leave, with reference of other leave, they have only power to make recommendation. They are considered as Managers only for name sake, but in reality, they were doing the clerical work for the Bank. These admissions of M.W.1 would not be impeached. Therefore, the controversy raised by the appellant that respondents 2 to 18 being the Managers and Assistant managers, are not workmen and hence, they are not entitled to approach the Labour Court, cannot be accepted, since M.W.1/Subramanian in his evidence clearly admits that Ex.W.1 Settlement is applicable to the petitioners, namely, the contesting respondents herein. Since the binding effect of the settlement has to continue to bind the parties by way of contractual obligations, the contention of the appellant that the contesting respondents before us are not coming within the purview of workman as defined under Section 2(s) of the Act is



not legally sustainable.”

(Emphasis supplied)

5.8. The further judgment that is relied upon in W.P. No. 33342 of 2003 is also based solely on the applicability of the settlement and also relies on the same Division Bench judgment. The aforementioned judgments are *sub-silentio* with reference to the fact that all the executive, managerial and higher officials of the management up to the cadre of General Manager were also mentioned for revision of pay in the 12(3) settlement, and as such, it cannot be held that those judgments definitively decide that the cadre in which these petitioners are working belongs to workmen. As stated above, it has to be decided by considering the predominant day-to-day duties and then evaluating whether they are supervisory or not.

5.9. In this regard, both employees were cross-examined in detail by the management. W.W.1 – *Vellingiri* admits that he has been on duty as a Field Supervisor for the past four years. He states that his primary responsibilities involve reviewing and scrutinising loan applications and recommending approvals. Consequently, it is evident that the primary agricultural co-operative societies rely on his recommendations when granting or denying loans. He also confirms that his duties include supervising primary agricultural co-operative societies and certifying and signing certificates. The subsequent answers given by W.W.1 must also be considered.



WEB COPY



“நான் மேற்பார்வையாளர் என்ற நிலையில் தான் கொங்கல் நகர தொடக்க வேளாண்மை கூட்டுறவு கடன் சங்கத்தில் ஆய்வு செய்தேன் என்றால் 10 % ஆய்வு செய்தேன். Ex.M.4 ல் நான் 10 % மட்டுமே ஆய்வு செய்தேன் என்று குறிப்பிடவில்லை என்றால் நிர்வாகம் தான் அதை வரைமுறைப்படுத்தி சுற்றறிக்கை விட்டது. நான் வழக்கிற்காக அதை பொய்யாக சொல்கிறேன் என்றால் சரியல்ல. என்னிடம் காட்டப்படும் அசல் பணி பதிவேட்டில் அனைத்து விவரங்களும் உள்ளது என்றால் சரிதான். நான் மேற்பார்வையாளராக பணி செய்தேன் என்பதற்கான குறிப்பு உள்ளது ஆனால் அதற்கான நிர்வாக உத்தரவு பிறப்பிக்கப்படவில்லை. அந்த பணி பதிவேட்டு நகல் Ex.M.5 அசலுடன் ஒப்பீடு செய்யப்பட்டு குறியீடு செய்யப்படுகிறது. கூட்டுறவு கடன் சங்கம் காக கடனுக்கான விண்ணப்பங்களை சரியா என்று நான் மேற்பார்வை செய்து பரிந்துரைப்பேன் மேல் அதிகாரிகள் முடிவு செய்வார்கள். மேற்சொன்ன பரிந்துரைக்கான சான்று Ex.M.6 ஆகும். சங்க தீர்மானத்தின் படி ஆவணங்களை சரி பார்த்து நான் கடன் தொகை வழங்க பரிந்துரை செய்வேன் என்றால் சரிதான். அதற்கான இறுதி முடிவை மத்திய வங்கி அதிகாரிகளும், கூட்டுறவு துறை அதிகாரிகளும் தான் எடுப்பார்கள். நிர்வாகம் பதிலுரையில் எடுத்த நிலைபாட்டு விவரங்கள் எனக்கு தெரியுமா என்றால் எனக்கு சரியாக ரூயாபகமில்லை. பதிலுரையை மறுத்து நான் கூடுதல் வழக்குரை தாக்கல் செய்துள்ளேனா என்று ரூயாபகமில்லை. நிர்வாகத்தின் நிலைபாட்டை நான் மறுத்துறைக்கவில்லை என்றால் ரூயாபகமில்லை. நிர்வாகம் தொழிற்சாராறு சட்டத்தின் கீழ் நான் தொழிலாளி இல்லை என்று நிலைபாடு எடுத்த விவரம் எனக்கு தெரியாது.”

5.10. He had further answered as follows:-

“தீர்மானத்தை அனுசரித்தல் நான் காக கடனுக்கு பரிந்துரை செய்துள்ளேன் எனது பரிந்துரை குறிப்புகள் Ex.M.7 series ஆகும். அந்த காசோலையின் விவரம் எனக்கு தெரியாது. மேற்பார்வையாளர் பதவிக்கான பொறுப்புகளை நான் முறையாக தான் பயன்படுத்தினேன். எனது பொறுப்பில் உள்ள சங்கங்களுக்கு மாதம் 2 முறை ஆய்வு செய்ய வேண்டும் என்றால் சரிதான். ஒவ்வொரு ஆண்டு டிசம்பர் முடிவிலும் உறுப்பினரால் ஒப்புதல் அளிக்கப்பட்டுள்ள ஆஸ்தி பொறுப்புகளை பெற்று சான்று அளிக்க வேண்டும் என்றால் 7 ஆண்டு ஆகி விட்டதால் எனக்கு



ஞாயபகமில்லை.”

5.11. Regarding the control and further directions, W.W.1. answered as under:-

“எனது பொறுப்பில் உள்ள சங்கத்தில் ரொக்க இருப்பை ஆய்வு செய்து பதிவு செய்துள்ளார்களா என்று மேற்பார்வை செய்வேன் எதேனும் பணி செய்யாமல் இருந்தால் செய்யச்சொல்லி அறிவுரை வழங்குவேன். மத்திய கால கடன் தேவையை சம்மந்தப்பட்ட சங்கங்களுக்கு நான் சென்று ஆய்வு செய்த பின்னர் தான் அது வழங்க பரிந்துரைப்பேன். எனது பொறுப்பில் உள்ள சங்கங்களில் தணிக்கை மற்றும் ஆய்வுகளின் போது கண்டறியப்பட்ட குறைகளை நிவர்த்தி செய்ய சங்க செயலாளர்களுக்கு அறிவுறுத்தியுள்ளேன். நான் எங்கெங்கு சென்று ஆய்வு பணி மேற்கொண்டேன் என்பதற்கான நாட்குறிப்புகளை ஒவ்வொரு அரையாண்டிலும் வங்கியில் சமர்ப்பித்துள்ளேன்.”

5.12. When it was specifically suggested to him that his duties were mainly supervisory, his response was:-

“மேற்சொன்ன கண்காணிப்பு மற்றும் பரிந்துரை பணிகளை நான் மேற்பார்வையாளர் என்ற நிலையில் செய்துள்ளேனா என்றால் மத்திய நிர்வாகம் வழங்கிய பணியை செய்துள்ளேன். மேற்சொன்ன கண்காணிப்பு மற்றும் பரிந்துரை பணிகள் அனைத்தும் மேற்பார்வையாளருக்கான கடமைகளும் பொறுப்புகளும் தான் என்றால் அது இருக்கலாம் எனக்கு அது பற்றி ஞாயபகமில்லை.”

5.13. Similarly, during the cross-examination of the other employee, S. Manikandan (examined as W. W. 2), he admitted that he was functioning as the Manager in charge of the Udumalai Branch. He further admitted that personnel were working under his supervision in the said branch and that he possessed the



authority to sanction loans. The following admissions are relevant and are extracted hereunder:

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“கடன் வழங்க பரிந்துரை சான்று வழங்கும் அதிகாரம் மேலாளர் பொறுப்பு என்ற முறையில் எனக்கு அதிகாரம் உள்ளது. கள மேலாளர் இடத்தை பார்வையிட்டு எனக்கு சான்று வழங்குவார் அதன் அடிப்படையில் நான் பரிந்துரை செய்வேன்.”

5.14. The following answers relating to power to sanction leave has to be taken into account,

“கிளை உதவியாளர்கள் எனது அனுமதியோ பரிந்துரையோ இன்றி விடுப்பு எடுக்க முடியாது என்றால் சரிதான். நான் சுமார் 10 முறை விடுப்புக்கு பரிந்துரை செய்துள்ளேன். நான் பெதப்பம்பட்டி கிளையில் வேலை பார்த்துள்ளேன்.”

5.15. Similarly, he also admits recommending medical leave with reference to one of the subordinates, the following was the answers,

“அப்போது அங்கு நாகேஜ்வரி என்ற உப பணியாளர் பணியாற்றி வந்தார். கால் எழும்பு முறிந்து மருத்துவ விடுப்பு நான் அவருக்கு பரிந்துரை செய்துள்ளேன் என்றால் சரிதான். அந்த மருத்துவ விடுப்புக்கான பரிந்துரை சான்று Ex.M12 ஆகும்.”

5.16. With reference to his day-to-day activities, the following answer is given,

“நான் மேலாளராக கிளையில் உள்ள அன்றாட பணிகள் சரியாக நடைபெறுகிறதா என்பதை ஆய்வு செய்வேன். கிளை உதவியாளர் சரியாக வேலை செய்யவில்லை என்றால் தலைமை இடத்திற்கு தகவல் தெரிவிப்பேன்.”



5.17. He was specifically cross examined with reference to 12 (3) settlement and the following are the answers,

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“நான் தொழிற்தகராறு சட்டப்படி தொழிலாளி என்பதை காட்ட 12 (3) Settlement தவிர வேறு ஆவணம் இல்லை என்றால் சரிதான். சட்டத்திற்கு விரோதமாக ஒப்பந்த விதிகள் எடுக்கப்பட்டால் அதை சட்டப்படியான ஆவணமாக எடுத்துக்கொள்ள முடியாது என்றால் அது பற்றி எனக்கு தெரியாது.”

5.18. It has further been elicited in the course of cross-examination that employees up to the level of General Manager are covered under the settlement, and the following answer has to be taken into account,

“12(3) Settlement ல் என்னை தவிர நிர்வாகத்தின் சார்பில் பொது மேலாளர், உதவி பொது மேலாளர் மற்றும் மேலாளர் ஆகியோர் கையொப்பமிட்டு உள்ளார் என்றால் சரிதான். வங்கி பணியாளர்களின் பொது மேலாளர் பதவி தான் உயர்ந்த பதவியாகும். பொது மேலாளருக்கு கீழ் தான் உதவி மேலாளர்கள் மற்றும் மேலாளர்கள் வருவார்கள். உதவி பொது மேலாளர்கள் வெவ்வேறு பிரிவுகளில் உயர் அதிகாரிகளாக பொறுப்பில் உள்ளார்கள் என்றால் சரிதான்.”

5.19. He was also questioned as to his duty as the Branch Manager and he answered as follows,

“நான் கிளை மேலாளருக்கான பொறுப்புகளை முறையாக தான் பயன்படுத்தினேன். மேலிடம் சொல்லும் உத்தரவுகளை கிளை ஊழியர்கள் சரியாக செய்கிறார்களா என்பதை கண்காணிக்க வேண்டிய பொறுப்பு என்னிடம் உள்ளது. கிளை மேற்பார்வையாளர் சான்றின் தொடர்ச்சியாக தேவையின் அடிப்படையின் நானும் கள மேலாளர் என்ற முறையில் இடத்தை ஆய்வு செய்வேன்.”



5.20. Thus, upon careful consideration of the evidence on record, it appears that the functions are primarily supervisory in nature. The powers included checking, recommending, issuing directions, and overseeing the Secretaries and officials of the primary co-operative Societies Act. These co-employees in their branch, were under their supervision. The powers also encompassed sanctioning loans, issuing directives to Secretaries, and granting various administrative sanctions. Therefore, I cannot accept the learned counsel for the petitioners' claim that the primary duties of the petitioners are merely skilled in nature. Instead, the duties are mainly supervisory. It is admitted that the petitioners' salaries exceeded the threshold limit; thus, I find that the petitioners, viz., *S. Manikandan* and *R. Vellingiri*, do not fall under the category of 'workmen' as defined in Section 2(s) of the ID Act.

5.21. Once it is established that the petitioners are not 'workmen,' the Writ Petitions must fail, even though, as rightly argued by the learned counsel, the Labour Court's reasoning contravenes the Division Bench Judgment of this Court in *P.Eswaramoorthy's* case (cited *supra*). In any event, if only the petitioners are considered 'workmen,' they could seek relief under Section 33 of the ID Act for violations and calculation under Section 33C(2). Consequently, the relief prayed for in the Writ Petitions cannot be granted, and the ultimate decision of the Labour Court dismissing the computation petitions cannot be interfered with.



F.The Result:

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6. Accordingly, having found no merits, these Writ Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

02.04.2026

Neutral Citation : yes
grs/Jer

To

1. The I Additional Labour Court,
Coimbatore.

2. The Management,
Coimbatore District Central
Cooperative Bank Ltd.,
80, State Bank Road, P.O.Box No.3781,
Coimbatore – 18.

3.The Section Officer
VR Section, High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs/Jer

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