



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.17278 & 17972 to 17974 of 2004

W.P.M.P.Nos. 19583, 21374, 21376, 21378 & 20514 of 2004

N.Chinnapan ... Petitioner in W.P.No. 17278 of 2004

R.Ramasamy ... Petitioner in W.P.No. 17972 of 2004

C.Ramalingam ... Petitioner in W.P.No. 17973 of 2004

K.Singaram ... Petitioner in W.P.No. 17974 of 2004

Vs.

1.The Registrar of Co-op. Societies
NVN Maligai, Kilpauk, Chennai - 10.

2. The Deputy Registrar of Co-op.
Societies, Tiruchengode
Namakkal District.

3. S.1394, Kurumbela Mahadevi Primary
Agricultural Co-op. Bank Ltd.
Kurumbela Mahadevi rep.by Special
Officer, Kurumbala Mahadevi P.O
Jedarpalayam, P.Velur Taluk
Namakkal District.

...Respondents in all Writ Petitions

Common Prayer: The writ petitions filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records of the 2nd respondent in Na.Ka.No. 9480/2003 Sa.Pa dated 26.02.2004 and that of the 1st respondent in RC No. 184617/2000/PACB(1) dated 22.04.2003 and quash the same as illegal, unlawful and without jurisdiction.

For Petitioners : Mr.M.Sudhakar
(in all Writ Petitions)
For Respondents : Mr.D.Venkatachelam
(in all Writ Petitions)

C O M M O N O R D E R

Since the prayer in the above Writ Petitions are one and the same, they are clubbed together and disposed of by this common order.



2. The learned counsel appearing for the petitioners would submit that the writ petitions filed to issue a Writ of Certiorari to call for the records of the 2nd respondent dated 26.02.2004 and the 1st respondent dated 22.04.2003 and to quash the same and to issue a direction to the Special Officer to follow the procedures in making appointment.

3. The case of the petitioners is that the petitioners are the employees of the Cooperative Society. In the Society, the salaries for them were fixed in accordance with the settlements under Section 12(3) of the Industrial Disputes Act. These settlements has become final and even the validity of the same has been upheld in various decision of this Court and in the decision reported in 2000 (4) CTC P.385 wherein, this Court held that the settlement entered under Section 12 and 18 of the Industrial Disputes Act, shall have no application to the staff of the Co-operative Societies appointed without adequate qualification and further this Court held that the settlement entered into between the Management cannot be qualified by way of circular. However, the present issue in the case on hand is that the 1st respondent issued a Circular dated 26.02.2004 stating that the salary of the cooperative employees has been revised in Government Order in G.O.Ms.No.131, and challenging the same, present writ petitions are filed.

4. However, the learned counsel for the petitioners would submit that though the writ petitions are filed, if at all any grievance, the petitioners may be permitted to make a representation to the respondents, and the respondents on receipt of such representation may dispose it in accordance with law.

5. Considering the limited request made by the learned counsel appearing for the petitioners, this Court permits the petitioners to make a fresh representation to the concerned Authority, so that the representations submitted by the petitioners can be considered.

6. Accordingly, the present writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/
Sub Asst. Registrar

kmm



To

1. The Registrar of Co-op. Societies
NVN Maligai, Kilpauk, Chennai - 10.

2. The Deputy Registrar of Co-op.
Societies, Tiruchengode
Namakkal District.

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Namakkal District.

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