



W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 23.01.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)Nos.3622, 3632, 3636 and 3638 of 2020**

**and**

**W.M.P.(MD).Nos.3057, 3058, 3067, 3068, 3071, 3072, 3074 and 3075  
of 2020**

**W.P.(MD)No.3622 of 2020**

R.Parameswari

... Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,  
O/o. The Deputy Registrar of Co-operative Societies,  
Thiruchirapalli Circle,  
Thiruchirapalli District.

2.The President,  
R.464, Thiruchirapalli District Police Officers  
Co-operative Thrift and Credit Society Limited,  
No.1, Gandhi Street,  
Subramaniapuram,  
Trichy 620 020.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1<sup>st</sup>



**W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020**

respondent in proceedings in Pa.Ve.34/2019, dated 05.12.2019 and 23.01.2020 and consequential impugned show cause notice issued by the 2<sup>nd</sup> respondent dated 30.01.2020 and quash all the impugned orders as illegal and unconstitutional.

(Prayer amended vide Court Order dated 05.01.2023 in W.M.P.(MD). 210/2023 in W.P.(MD).3622/2020)

|                |                                               |
|----------------|-----------------------------------------------|
| For Petitioner | : Mr.N.V.Nagenthran                           |
| For R1         | : Mr.N.Ramesh Arumugam<br>Government Advocate |
| For R2         | : Mr.R.Pon Karthikeyan                        |

**W.P.(MD)No.3632 of 2020**

G.Joseph Packiyaraj

... Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,  
O/o. The Deputy Registrar of Co-operative Societies,  
Thiruchirapalli Circle,  
Thiruchirapalli District.

2.The President,  
R.1119, General Construction Circle Staffs  
Co-operative Society Limited,  
Electricity Board Office Premises, Mannarpuram,  
Trichy 620 020.

... Respondents



**W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020**

WEB COPY

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1<sup>st</sup> respondent in proceedings in Pa.Ve.34/2019, dated 05.12.2019 and 23.01.2020 and consequential impugned show cause notice issued by the 2<sup>nd</sup> respondent dated 30.01.2020 and quash all the impugned orders as illegal and unconstitutional.

(Prayer amended vide Court Order dated 05.01.2023 in W.M.P.(MD). 200/2023 in W.P.(MD).3632/2020)

|                |                        |
|----------------|------------------------|
| For Petitioner | : Mr.N.V.Nagenthran    |
| For R1         | : Mr.N.Ramesh Arumugam |
|                | Government Advocate    |
| For R2         | : Mr.R.Pon Karthikeyan |

**W.P.(MD)No.3636 of 2020**

P.Devika

... Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,  
O/o. The Deputy Registrar of Co-operative Societies,  
Thiruchirapalli Circle,  
Thiruchirapalli District.

3/12



W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020

WEB COPY

2. The President,

Y.T.102, Thiruchirapalli District Social Welfare  
Anganvadi Employees Co-operative Thrift and Credit  
Society Limited,  
Putthur Nal Road,  
Trichy 17.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1<sup>st</sup> respondent in proceedings in Pa.Ve.34/2019, dated 05.12.2019 and 23.01.2020 and consequential impugned show cause notice issued by the 2<sup>nd</sup> respondent dated 30.01.2020 and quash all the impugned orders as illegal and unconstitutional.

(Prayer amended vide Court Order dated 05.01.2023 in W.M.P.(MD). 185/2023 in W.P.(MD).3636/2020)

|                |                                               |
|----------------|-----------------------------------------------|
| For Petitioner | : Mr.N.V.Nagenthran                           |
| For R1         | : Mr.N.Ramesh Arumugam<br>Government Advocate |
| For R2         | : Mr.R.Pon Karthikeyan                        |



W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020

WEB CO **W.P.(MD)No.3638 of 2020**

M.Mani

... Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies,  
O/o. The Deputy Registrar of Co-operative Societies,  
Thiruchirapalli Circle,  
Thiruchirapalli District.

2.The President,  
Y.T.86 Andhanallur Panchayat Union Schools EMP  
Co-operative Thrift and Credit Society Limited,  
Andhanallur,  
Thiruchirapalli 639 101.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1<sup>st</sup> respondent in proceedings in Pa.Ve.34/2019, dated 05.12.2019 and 23.01.2020 and consequential impugned show cause notice issued by the 2<sup>nd</sup> respondent dated 30.01.2020 and quash all the impugned orders as illegal and unconstitutional.

(Prayer amended vide Court Order dated 05.01.2023 in W.M.P.(MD). 192/2023 in W.P.(MD).3638/2020)



W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020

For Petitioner : Mr.N.V.Nagenthran  
For R1 : Mr.N.Ramesh Arumugam  
Government Advocate  
For R2 : Mr.R.Pon Karthikeyan

### **COMMON ORDER**

Since the issue involved in these writ petitions is one and the same, they have been taken up together and disposed of by this common order.

2. These writ petitions have been filed challenging the impugned orders passed by the first respondent dated 05.12.2019 and 23.01.2020 and the consequential impugned show cause notice issued by the 2nd respondent dated 30.01.2020 and to quash the same.

3. The case of the petitioners is that they were appointed in the second respondent Co-operative Society as daily wagers. Since they were completed 480 days within a period of 24 Calendar months from the date of initial appointment, they are entitled for permanent status, for which



W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020

WEB COPY

the petitioners have initiated proceedings before the Assistant Commissioner of Labour, Thiruchirapalli under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981. The Assistant Commissioner of Labour, Tiruchirapalli has passed an award in favour of the petitioners in Na.Ka.No.645 of 2015, dated 30.04.2019. Pursuant to the award, their services were regularised. However, subsequently, the Deputy Registrar of Co-operative Societies, the first respondent herein issued a direction to the second respondent Society to initiate proceedings for cancelling the appointments, if the petitioners' appointments are contrary to Rule 149 (2) of the Tamil Nadu Co-operative Societies Rule, 1988. Challenging the same, the present writ petitions have been filed.

4. The learned counsel appearing for the petitioners would submit that already the petitioners have obtained permanent status through award dated 30.04.2019, passed by the Assistant Commissioner of Labour, Tiruchirapalli in Na.Ka.No.645 of 2015 and the same was implemented. Though the Registrar is not a party before the Labour



W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020

WEB COPY

Court, the second respondent is a party to the proceedings. Without preferring an appeal by the second respondent as against the permanent status granted in favour of the petitioners, the first respondent has issued a direction to the second respondent to terminate the petitioners, if their appointments are contrary to Rule 149 (2) of the Tamil Nadu Co-operative Societies Rule, 1988. Accordingly, he prayed for allowing these writ petitions.

5. Per contra, the learned counsel appearing for the second respondent would submit that pursuant to the order passed by the first respondent, the second respondent has issued a show cause notice to the petitioners. Further, it is not a termination order and if the petitioners given suitable explanations within a period of 15 days, the same will be considered and appropriate orders will be passed, in the manner known to law.

6. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.



W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020

WEB COPY

7. The facts in the present cases are not in dispute. Admittedly, the petitioners were appointed as Daily Wagers in the second respondent Society and their services were not regularised. Hence, the petitioners have approached the Assistant Commissioner of Labour, Tiruchirapalli for permanent status under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981 and obtained an award by impleading the second respondents as party. However, the fact remains that either the first respondent or the Registrar is not a party before the Labour Court. Hence, the award passed by the authority is not binding on the first respondent and the duty cast upon the first respondent is to ascertain as to whether the appointment of the petitioners is in terms of Rule 149 (2) of the Tamil Nadu Co-operative Societies Rule, 1988. Accordingly, the first respondent has issued orders to the second respondent to initiate proceedings whether the petitioners appointment is in terms of Rule 149 (2) of the Tamil Nadu Co-operative Societies Rule, 1988. Further, the second respondent has issued only a show cause notice to the petitioners.



W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020

WEB COPY

8. In view of the above, this Court is not inclined to interfere with the impugned orders passed by the respondents. However, liberty is granted to the petitioners to give suitable explanations to the second respondent within a period of four weeks from the date of receipt of a copy of this order and after receipt of the same, the respondents are directed to pass appropriate orders, in terms of the Tamil Nadu Co-operative Societies Rule, 1988, within a period of four weeks. Till such time, no coercive steps be taken with regard to the petitioners' employment.

9. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

**23.01.2023**

NCC:Yes/No  
Index:Yes/No  
Internet:Yes/No  
akv

10/12



W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020

WEB COPY To

1. The Deputy Registrar of Co-operative Societies,  
O/o. The Deputy Registrar of Co-operative Societies,  
Thiruchirapalli Circle,  
Thiruchirapalli District.
2. The President,  
R.464, Thiruchirapalli District Police Officers  
Co-operative Thrift and Credit Society Limited,  
No.1, Gandhi Street,  
Subramaniapuram,  
Trichy 620 020.
3. The President,  
R.1119, General Construction Circle Staffs  
Co-operative Society Limited,  
Electricity Board Office Premises, Mannarpuram,  
Trichy 620 020.
4. The President,  
Y.T.102, Thiruchirapalli District Social Welfare  
Anganvadi Employees Co-operative Thrift and Credit  
Society Limited,  
Putthur Nal Road,  
Trichy 17.
5. Y.T.86 Andhanallur Panchayat Union Schools EMP  
Co-operative Thrift and Credit Society Limited,  
Andhanallur,  
Thiruchirapalli 639 101.



WEB COPY



**W.P.(MD).Nos.3622, 3632, 3636 & 3638 of 2020**

**M.DHANDAPANI,J.**

akv

**W.P.(MD)Nos.3622, 3632, 3636 and 3638 of 2020**

**23.01.2023**