



W.A.(MD)Nos.1614 to 1617 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.10.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD)Nos.1614 to 1617 of 2021
and C.M.P. (MD) Nos.6963, 6965, 6966 and 6968 of 2023

The President,
M.D.3, Gujiliamparai Panchayat Union,
Employees Cooperative Thrift and Credit Society,
Gujiliamparai,
Dindigul District.

...Appellant/2nd Respondent in W.A.
(MD) No.1614 of 2021

The President,
A.1976, Narasingapuram Primary Agricultural Credit Society,
Narasingapuram, Gujiliamparai Taluk,
Dindigul District.

...Appellant/2nd Respondent in W.A.
(MD) No.1615 of 2021

The President,
A.1410, R.Pudhukkottai Primary Agricultural Credit Society,
R.Pudhukkottai Post, Gujiliamparai Taluk,
Dindigul District.

...Appellant/2nd Respondent in W.A.
(MD) No.1616 of 2021

The President,
R.518, Kannumeikkipatti Primary Agricultural Credit Society,
Kannumeikkipatti, Gujiliamparai Taluk,
Dindigul District.

...Appellant/2nd Respondent in W.A.
(MD) No.1617 of 2021

-Vs.-



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P.Palaniappan

... 1st Respondent/Petitioner in W.A.
(MD) No.1614 of 2021

S.Durga

... 1st Respondent/Petitioner in W.A.
(MD) No.1615 of 2021

K.Muthulakshmi

... 1st Respondent/Petitioner in W.A.
(MD) No.1616 of 2021

T.Meena

... 1st Respondent/Petitioner in W.A.
(MD) No.1617 of 2021

2.The Assistant Commissioner of Labour,
Authority under Tamil Nadu Industrial Establishment
(Conferment of Permanent Status to Workman) Act, 1981,
Dindigul. ... 2nd Respondent/1st Respondent in
all the Writ Appeals.

3.The Circle Deputy Registrar of Co-operative Societies,
Office of the Circle Deputy Registrar of Co-operative Societies,
Palani, Dindigul District.

4.The Joint Registrar of Co-operative Societies,
Dindigul Region,
Dindigul District. ... Respondents 3 and 4 in all the Writ
Appeals

(R3 and R4 are impleaded vide Court Order
dated 25.01.2023 made in C.M.P.(MD) Nos.
1162 to 1164, 930, 12259, 12263 and 12290
of 2022 in W.A.(MD) Nos.1614 to 1617 of
2021 by GJJ and SMJ)

COMMON PRAYER:- Writ Appeals filed under Clause 15 of Letters
Patent Act, to set aside the common order dated 22.04.2021 made in W.P.
(MD)Nos.8209, 8213, 8192 and 8201 of 2021 on the file of this Court.



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For Appellant in all : Mr.S.Balamurugan
the Writ Appeals

For Respondents : Mr.B.Shanmugaraja Sethupathi
For R1 all the Writ Appeals

Mr.S.Shanmugavel,
For R2 in all the Writ Appeals

Mr.Veera Kathiravan
Additional Advocate General
for R3 and R4 in all the Writ
Appeals

JUDGMENT

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

These Writ Appeals have been instituted challenging the common order dated 22.04.2021 passed in W.P.(MD)Nos.8209, 8213, 8192 and 8201 of 2021. The first respondents were admittedly engaged as Appraisers on daily wage basis.

2. Learned Additional Advocate General appearing the on behalf the respondents 3 and 4 mainly contended that the Appellants Societies are Co-operative Societies registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. The service conditions of the employees of the Co-operative Societies are regulated under Rule 149 of the Tamil Nadu Co-operative Societies Rules, 1988 and the



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consequential special byelaws approved by the Registrar under the provisions of the Tamil Nadu Co-operative Societies Act. When the special enactment and the consequential Rules governing the service conditions are in force, the provisions of the general law cannot be applied. This being the basic proposition of law, the question arises for consideration is whether the implementation of the order passed by the competent authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1891 will prevail.

3. Factually, the order dated 27.01.2021, was passed by the competent authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1891 and immediately a representation was submitted by the first respondent employees on 10.04.2021 and thereafter, within a period of four days the Writ Petitions were filed in W.P.(MD)Nos.8209, 8213, 8192 and 8201 of 2021 and the learned Single Judge issued a direction to implement the order passed by the competent authority on 22.04.2021. The entire sequence of facts narrated above would be sufficient enough to form an opinion that there is a likelihood of collusion between the Management and the temporary Appraisers working in the Co-operative Society.



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4. Learned Additional Advocate General has also brought to our notice regarding the manner in which the order has been secured by the first respondents before the learned Single Judge. It is contended that no opportunity was granted to the appellants and the respondents 3 and 4 to defend their case. Curiously, the learned Additional Government Pleader appeared in the Writ Petitions on behalf of the appellants Co-operative Societies conceded the case by stating that the authority competent under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1891 will pass orders. It raises a serious doubt in our mind about the collusion as raised by the learned Additional Advocate General.

5. Since no opportunity was granted to the Co-operative Societies as well as to the impleaded respondent 3 and 4, who are all having control over the affairs of Co-operative Societies under the Act, we are inclined to consider the Writ Appeals. Accordingly, the common order dated 22.04.2021 passed in W.P.(MD)Nos.8209, 8213, 8192 and 8201 of 2021 is set aside and the Writ Appeals stand allowed. The Writ Petitions stand restored and the learned Single Judge is requested to



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dispose of the Writ Petitions as expeditiously as possible after completion of the pleadings between the parties. The parties are at liberty to challenge the orders passed by the competent authority also. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S.J.,] & [V.L.N.J.,]
06.10.2023

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

SJ

To

- 1.The Assistant Commissioner of Labour,
Authority under Tamil Nadu Industrial Establishment
(Conferment of Permanent Status to Workman) Act, 1981,
Dindigul.
- 2.The Circle Deputy Registrar of Co-operative Societies,
Office of the Circle Deputy Registrar of Co-operative Societies,
Palani, Dindigul District.
- 3.The Joint Registrar of Co-operative Societies,
Dindigul Region,
Dindigul District.



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S.M.SUBRAMANIAM, J.
AND
V. LAKSHMINARAYANAN, J.

SJ

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