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W.P. No.29642 of 2023 and W.M.P. No.29255 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.29642 of 2023 and W.M.P. No.29255 of 2023

N.Sanjeevi

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Tiruvannamalai Region,
Tiruvannamalai District.
- 2.The Deputy Registrar of Co-operative Societies,
Tiruvannamalai Circle,
Tiruvannamalai District.
- 3.The Management of V.T.755,
Tiruvannamalai Revenue Divisional
Revenue Village Administrative Officer's
Co-operative Credit Society Ltd.,
rep. by its President/Secretary/Administrator ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents to approve the 12(3) settlement made before Assistant Commissioner of Labour dated 20.10.2020 and consider the 3rd respondent proposal dated 22.10.2020 and permit the petitioner to draw the salary and other allowance within stipulated time as fixed by this Court.



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For Petitioner : Mr.K.M.Ramesh, Senior Counsel
for Mr.L.P.Shanmugasundaram

For Respondents : Mr.V.Nanmaran,
Additional Government Pleader
for R1 & R2

Mr.K.Ashok kumar for
Mr.V.Jeevagiridharan for R3

ORDER

The petitioner has filed this writ petition seeking for a direction to the respondents 1 and 2 to approve 12(3) settlement made before the Assistant Commissioner of Labour dated 20.10.2020 and consider the proposal of the third respondent dated 22.10.2020 and permit him to draw the salary and other allowances within a specified time limit.

2.The case of the petitioner is that consequent to an Industrial Dispute raised by the petitioner, 12(3) Settlement was entered into between the petitioner's Union and the third respondent on 20.10.2020 by accepting the terms of settlement stated therein. Though the above settlement has been reached in respect of Pay Revision, Dearness Allowance and other service benefits, the same have not been paid to the petitioner. Therefore, the petitioner, who is the member of the Union, which entered into



settlement, demanding the settlement of benefit, has filed this writ of Mandamus.

3. The learned counsel for the respondents 1 and 2 submitted that since 12(3) settlement has been entered into between the Trade Union and the then President of the third respondent/Society, without the knowledge of the respondents 1 and 2 and without getting any prior approval from them in this regard, the above settlement will not bind respondents 1 and 2. Hence, it is difficult on the part of the respondents 1 and 2 to consider the proposal dated 22.10.2020 sent by the third respondent.

4. The learned counsel for the petitioner submitted that the petitioner can only raise an Industrial Dispute in case he is aggrieved due to non-compliance of mandatory service conditions and it is for respondents 1 and 2 to accord prior approval and that cannot be held against the petitioner.

5. Admittedly, in the terms of settlement nothing has been stated



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about getting prior approval from respondents 1 and 2. However, the contention of respondents 1 and 2 is that unless the factum of the settlement has been brought to their notice, it may not be possible for them to accord approval and the third respondent, by colluding with the Trade Union, has brought out 12(3) settlement. Even if respondents 1 and 2 denied their approval for 12(3) settlement, the fact remains that there is no settlement so far, entered on behalf of the employees. It is difficult to believe that respondents 1 and 2 did not have any knowledge about the pending dispute under which the third respondent has entered into 12(3) settlement before the Conciliation Officer.

6. Whatever may be the case, the representation of the petitioner is lying with respondents 1 and 2, without passing any orders. If respondents 1 and 2 considered the representation of the petitioner and passed any order, depending upon the nature of the order, the petitioner can either get the benefits or atleast choose to raise an another Industrial Dispute. But, the respondents cannot simply state that the approval has not been granted and hence, the petitioner is not entitled to get pay revision or other service



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benefits.

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7.It is learnt from the earlier orders that respondents 1 and 2 have been paying last drawn pay of Rs.15,415/- to the petitioner from April 2023. The same need not be stopped and continued to be paid as per the order dated 30.04.2024 passed by this Court.

8.With the above observation, this writ petition stands disposed of.
No costs. Consequently, connected W.M.P. stands closed.

30.10.2024

vga

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No



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R.N.MANJULA,J.

vga

To

- 1.The Joint Registrar of Co-operative Societies,
Tiruvannamalai Region,
Tiruvannamalai District.
- 2.The Deputy Registrar of Co-operative Societies,
Tiruvannamalai Circle,
Tiruvannamalai District.

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