



WEB COPY

WP No. 236 of 2003



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 19-03-2025**

CORAM

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WP No. 236 of 2003**

**AND WP NO. 878 OF 2003, WP NO. 237 OF 2003**

W.P.No.236 of 2003:

1. V.Ramadoss

...Petitioner(s)

Vs

1. The Presiding Officer

Labour Court , Vellore.

2.The Management, North Arcot

District, Co.Op Milk Producers Society,

1325, (aavin) arcot Road, Sathuvachari,

Vellore.

...Respondents

**WP No. 878 of 2003**

1. 1. V. Ramadoss

2. G.Chinnaraj

...Petitioner(s)

Vs

1. The State Of Tamilnadu, Rep.

Secretary To Govt., Food, Coop. And

Consumer Protection Dept. Secretariat,

Chennai - 9.

2.The Management,

North Arcot District,



Coop. Milk Producers Society,  
(1325 Aavin)arcot Road, Sathuvachari,  
Vellore.

WEB COPY

...Respondent(s)

**WP No. 237 of 2003**

1. G. Cinnaraju

....Petitioner(s)

Vs

1. The Presiding Officer  
Labour Court, Vellore.

2.The Management,  
North Arcot District,  
Co.Op Milk Producers Society  
1325, (aavin) Arcot Road, Sathuvachari,  
Vellore

Respondent(s)

**WP No. 236 of 2003**

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to issue order direction or writ order in the nature of appropriate writ of CERTIORARIFIED MANDAMUS calling for the entire records connected with impugned common award in I.D.No.249 of 1996, dated 11.10.2001 passed by the 1<sup>st</sup> respondent Labour Court and quash the same and direct the 2nd respondent to reinstate the petitioner in service with backwages continuity of service and all other attendant benefits and pass such further or other order.

**WP No. 878 of 2003**

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to issue a writ of Declaration that the Rule 149(7) of T.N. Coop. Societies Rules 1988 that No person who is nearrelation as specified in rule 63 of a member of the board of a paid offer of a society shall be appointed to any post in the service of the society. If a doubt arises as to whether a person is or is not a near relation of a member of the board or of a paid officer the board shall refer it to the Register for decision is unconstitutional and violative of Article 14 of the constitution of India in so far as the petitioners are concerned.

**WP No. 237 of 2003**

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to issue order direction or writ order in the nature of appropriate writ of CERTIORARIFIED MANDAMUS calling for the entire records connected with impugned common award in I.D.No.250 of 1996 dated 11.10.2001 passed by the 1strespondent Labour Court and quash the same and direct the 2nd respondent to reinstate the petitioner in service with backwages continuity of service and all other attendant benefits and pass such further or other order.

For Petitioner(s): M/S.S.N.RAVICHANDRAN

For Respondent(s): R1- LABOUR COURT

MR.P.NARAYANANMOORTHY R2



## **COMMON ORDER**

WEB COPY

The issue involved in all the writ petitions are one and the same. Hence, the same are disposed by way of this common order.

2. W.P.No.878 of 2003 has been filed by the individual petitioners above seeking for a declaration to declare Rule 149(7) of T.N. Coop. Societies Rules 1988 that No person who is near relation as specified in Rule 63 of a member of the board of a paid officer of a society shall be appointed to any post in the service of the society. If a doubt arises as to whether a person is or is not a near relation of a member of the board or of a paid officer the board shall refer it to the Register for decision is unconstitutional and violative of Article 14 of the constitution of India in so far as the petitioners are concerned.

3. W.P.Nos.236 & 237 of 2003 have been filed by the petitioners aggrieved at the award passed by the Labour Court confirming the order of dismissal passed against them by the second respondent herein.

4. The short facts that are necessary for disposal of these writ petitions are as follows:

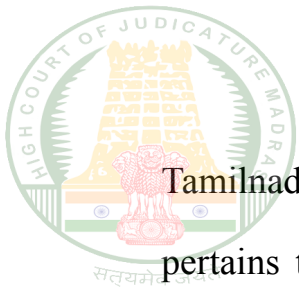
The petitioners were initially employed in the second respondent society as temporary staff. Later, their services were regularised and they were appointed on time scale basis by a regularly constituted personal committee. The petitioners were awaiting regularisation. At that time, the second



respondent initiated proceeding and dismissed them from service vide order dated 28.03.1996. The ground on which the petitioners were dismissed from service was that they were close relative of the Managing Director of the second respondent Union and as such, appointment of those relatives is barred under Rule 149(7) of the Tamilnadu Co-operative Rules, 1988. Aggrieved by the their dismissal, the petitioners raised industrial dispute before the Labour Court, Vellore which was taken on file in ID. Nos.249 and 250 of 1996. By way of a common award, the learned Labour Court dismissed the industrial dispute raised by the petitioners on the ground that their appointment was illegal and it was hit by Rule 149(7) of the Tamilnadu Co-operative Rules, 1988. Seeking to quash the same and to direct the second respondent to reinstate them, the present writ petition Nos.236 & 237 of 2003 have been filed. W.P.No.878/2003 has been filed for declaration declaring that Rule 149(7) is null and void.

5. The learned counsel for the petitioners vehemently submitted that the second respondent ought not to have terminated from services just because they happened to be a relative of then Managing Director. The learned counsel submitted that the Managing Director was not working in the second respondent Union at that time when the petitioners were appointed. Therefore, the learned counsel prayed that the termination be set aside and direction be issued to the second respondent to reinstate the petitioners with continuity of service with backwages.

6. The learned counsel also submitted that the relevant Rule 149(7) of the



Tamilnadu Co-operative Rules, 1988 declared null and void insofar as it pertains to the petitioners herein. For better appreciation, Rule 149(7) of the Tamilnadu Co-operative Rules, 1988 extracted hereunder:

*"No person who is near relation as specified in Rule 63 of a member of the board or of a paid officer of a society shall be appointed to any post in the service of the society. If a doubt arises as to whether a person is or is not a near relation of a member of the board or of a paid officer, the board shall refer it to the Registrar for decision"*

7. A fair reading of the above Rule would shows that the said section was connected to defeat Nepotism. The culture of Nepotism is found in almost every field in the society. We see Nepotism in film industry, politics, businesses and the like. Nepotism will such fields may not affect general public in a big way. However, when it comes in employment in Government Offices, there cannot be know second opinion that the process of recruitment should be fair and transparent. If Nepotism is permitted in appointments to Government or Government related offices, qualified and talented persons may not get an opportunity to serve in such offices. Children and relatives of the higher officials would be appointed and those appointees may not even be well qualified or talented. If such, appointments are allowed, quality of work would suffer. It is to be borne in mind that salary for Government or quashi Government organisation or paid from tax payers. Therefore, appointment



should only on merit based.

WEB COPY

8. In this case, both the petitioners were close relative of the then Managing Director of the second respondent. It may be true that he was not directly working in that particular branch. However, he was serving as Managing Director, definitely had its role in the selection of the petitioners in the second respondent organisation. This court does not find any error or illegality in the order of dismissal which came to be confirmed by the Labour Court. Therefore, there is absolutely no merits in the contention raised by the petitioners for interfering with the award passed by the Labour Court. Likewise, there is absolutely no scope for declaring Rule 149(7) of the Tamilnadu Co-operative Rules, 1988 as null and void insofar as it pertains to the petitioners herein.

9. For the above reasons mentioned above, all the writ petitions are dismissed. No costs.

**19-03-2025**

rlh

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 236 of 2003



**M.DHANDAPANI J.**

**rli**

WEB COPY

**To**

1. The Presiding Officer,  
Labour Court, Vellore.

2.The Management, North Arcot  
District, Co.Op Milk Producers Society (1325, (aavin) Arcot Road,  
Sathuvachari, Vellore.

3. The secretary to Government,  
Food, Cooperation and Consumer,  
Protection Department,  
Secretariat, Chennai-9.

**WP No. 236 of 2003, WP NO. 878 OF  
2003,WP NO. 237 OF 2003**

19.03.2025



WEB COPY

WP No. 236 of 2003



**19-03-2025**