



WP(MD)No.11926 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.11926 of 2022

2071, Ponmanai Primary Agricultural
Co-Operative Credit Society,
rep by its President,

...Petitioner

Vs

Vinith Jerold

...Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records pertaining to the impugned order dated 21.04.2022 in CP.No.7 of 2020 on the file of the Labour Court, Tirunelveli and quash the same.

For Petitioner : Mr.VHS.Prathap

For Respondent : Mr.S.Kumar

ORDER

The Primary Agricultural Co-Operative Credit Society has filed this writ petition as against the order passed by the Labour Court, Tirunelveli in CP.No.7 of 2020, dated 21.04.2022.



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2.The claim petition was filed by the respondent for the arrears of salary pursuant to the settlement decree passed in OS.No.219 of 2015.

The respondent claiming to be the jewel appraiser filed the suit before the District Munsif Court, Padmanabhapuram, seeking relief of permanent injunction as against the petitioner society from terminating him from service. The said suit was settled in Lok Adalat by consent by the elected president of the society and the decree was passed on 18.10.2017 recording the undertaking of the then elected president of the society that the respondent would be appointed as jewel appraiser. Thereafter the president also passed a resolution to appoint the respondent as jewel appraiser in time scale of pay and salary was also fixed from March 2018. However, this resolution was not acted upon by the Special Officer. Therefore, the respondent filed the claim petition and it was also allowed. Challenging the same petitioner society has filed this writ petition.

3.The learned counsel for the petitioner by referring to the orders of the Hon'ble Supreme Court in ***General Manager, IOB Vs Workmen, (AIR 2006 SC 1699)*** submits that jewel appraiser is not a regular



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employee of the society and he is not entitled for time scale of pay. He has also referred to Section 74 of the Tamil Nadu Co-Operative Societies Act and Rule 149 of the Tamil nadu Co-Operative Societies Rules and submits that any appointment can be made only by following the said Rule and as guided by the government in GO(Ms)No.144 dated 11.03.2015 Labour and Employment Department. However by collusive decree, the respondent managed to get the resolution from the then President of the society, as if he was appointed in time scale of pay. He further submits that this collusive decree was obtained in OS.No.219 of 2015 before the District Munsif, Padmanabapuram, when there is a specific bar under Section 156 of the Tamil Nadu Co-Operative Societies Manual for the civil court to entertain the suit on co-operative issues. It is also submitted a sum of Rs.1,95,190/- was deposited pursuant to the orders of the Labour Court in claim petition.

4.This court has considered the rival submissions made and perused the materials placed on record.



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5.The respondent has filed claim petition claiming arrears of salary. The respondent was appointed as a jewel appraiser by the President of the Panchayat on 28.02.2018 in time scale of pay. This appointment was also made pursuant to the award passed in OS.No.219 of 2015 in Lok Adalak dated 18.10.2017. The main contention of the petitioner society is that the collusive decree was obtained by the respondent with the connivance of the elected president of the society and therefore, the Special Officer has not paid salary.

6.The role of the jewel appraiser was discussed elaborately by the Hon'ble Supreme Court in ***General Manager, IOB Vs Workmen, (AIR 2006 SC 1699)*** and the Hon'ble Supreme Court has held that the jewel appraiser cannot be an employee of the bank and the same ratio would be applicable to this primary agricultural co-operative credit society also. The relevant portion is extracted as under:

“At this juncture the distinction between jewel appraisers and the regular employees of the bank can be noted.

Regular Employees Jewel Appraisers

- 1. Subject to qualification and age prescribed*
- 1. No qualification/age*



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*2. Recruitment through Employment exchange /
Banking Service Recruitment Board.*

2. Direct engagement by the local Manager

3. Fixed working hours

3. No fixed working hours.

4. Monthly wages

4. No guaranteed payment, only commission paid.

5. Subject to disciplinary control

5. No disciplinary control.

*6. Control/supervision is exercised not only with regard
to the allocation of work, but also the way in which the work is
to be carried out.*

*6. No control/supervision over the nature of work to be
performed.*

7. Wages are paid by the Bank.

7. Charges are paid by the borrowers.

8. Retirement age

8. No retirement age.

9. Subject to transfer

9. No transfer

*10. While in employment cannot carry on any other
occupation.*

10. No bar to carry on any avocation or occupation.

*Therefore, the jewel appraisers are not employees of the
Bank.”*

7.The learned counsel for the respondent submits that the respondent was appointed as jewel appraiser in time scale of pay with effect from 28.02.2018 and that order of appointment has not been challenged by the petitioner society. He further submits that even this claim petition in CP.No.7 of 2020 was filed for the arrears of salary for the period from 1.11.2018 to 31.01.2020, whereas the claim petition in



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CP.No.38 of 2028 was filed seeking arrears of salary for the period from 01.04.2018 and 31.10.2018. As directed by the Labour Court, they have settled the amount. However they have preferred this writ petition only as against the order passed in CP.No.7 of 2020.

8.Section 156 of the Tamil Nadu Co-Operative Societies Act prohibits suit in co-operative society issues. However, the respondent obtained decree in a suit with the consent of the president.

9.The recruitment if any in the society can be made only by following the procedure under Section 74 of the Tamil Nadu Co-Operative Societies Act, 1983 and Rule 149 of the Tamil Nadu Co-Operative Societies Rules, 1988. The government have also issued guidelines in G.O(Ms)No.144 Labour and Employment Department dated 11.03.2015. This mode of appointment based on the decree with the consent of the President cannot be construed as a valid appointment. This is how the societies are spoiled by the elected body and the elected president without any responsibility and without any guidelines also passed resolution and made appointment as against the government



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order, the provisions under Section 74 of the Tamil Nadu Co-Operative Societies Act and Rule 149 of the Tamil Nadu Co-Operative Societies Rules. Therefore, this appointment cannot be approved. Accordingly this writ petition is allowed. The impugned order is set aside. The petitioner is permitted to withdraw the said amount deposited by them before the Labour Court, Tirunelveli in CP.No.7 of 2020 No costs. Consequently connected miscellaneous petition is closed.

27.10.2025

DSK

To

The Presiding Officer,
Labour Court, Tirunelveli.



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B.PUGALENDHI.J.,

DSK

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