



W.P.(MD)No.14620 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2025**

CORAM:

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

W.P.(MD) No.14620 of 2025

and

WMP (MD) Nos.10837, 10839, 13738 and 10843 of 2025

Parameshwari

: Petitioner

Vs.

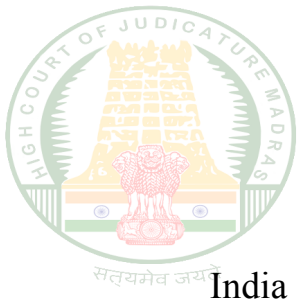
1. The Assistant Commissioner of Labour
/ the Authorized Officer
Under the Tamil Nadu Industrial
Establishments (Conferment of Permanent
Status to Workmen) Act, 1981,
Trichy District.

2. The Deputy Registrar / Secretary,
Co-Operative Society,
Y.T.12 National College Council Employees,
Co-Operative Society Ltd,
National College Campus,
Trichy 620 001.

3. The President,
Co-Operative Society,
Y.T.12 National College Council Employees,
Co-Operative Society Ltd,
National College Campus,
Trichy 620 001.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



W.P.(MD)No.14620 of 2025

WEB COPY

India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 30.04.2025 issue by the respondents No.2 and quash the same as illegal and consequently forbearing the respondents No.2 and 3 from terminating the petitioner from service with the respondent No.3 office without following due process of law.

For Petitioner : Mr.T.Thirumurugan

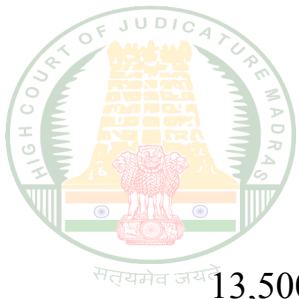
For Respondents : Mr.S.R.A.Ramachandran

Additional Government Pleader
for R1 & R2

ORDER

Challenging the termination order dated 30.04.2025 issued by the second respondent and to forbear the respondents 2 and 3 from terminating the petitioner from service without following due process of law, the present writ petition has been filed by the petitioner.

2. The case of the petitioner joined the service of the third respondent Cooperative Society on 01.11.2011 and was appointed as an Accountant/Writer. Subsequently, a resolution was passed by the Board of Directors on 01.09.2013, enhancing the petitioner's salary to Rs.



W.P.(MD)No.14620 of 2025

WEB COPY

13,500/- per month. However, despite having worked for eight years, the petitioner was not conferred permanent employee status. Therefore, the petitioner filed a petition under Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, before the first respondent. This petition was allowed by the first respondent vide order dated 27.12.2019, directing the third respondent to regularize the petitioner's service within thirty days from the date of receipt of the order. Meanwhile, the second respondent passed an order dated 23.01.2020 under Section 181 of the Tamil Nadu Cooperative Societies Act, 1983, stating that the appointments of the petitioner and eight others were in violation of Rule 149 of the Tamil Nadu Cooperative Societies Rules, 1988. Aggrieved by the said order, the petitioner filed W.P.(MD) No.4013 of 2020 before this Court. By order dated 04.01.2023, this Court granted an interim stay and granted liberty to the petitioner to approach the Labour Court. Subsequently, the third respondent passed another resolution regularizing the petitioner's service and forwarded the same to the second respondent. However, after receiving the said resolution, the impugned order was passed, directing the third respondent to terminate the petitioner from service. Aggrieved by this order, the petitioner has filed the present writ petition.



W.P.(MD)No.14620 of 2025

WEB COPY

3. Learned counsel for the petitioner would submit that once the first respondent had arrived at the conclusion and directed the third respondent to regularize the petitioner's service within thirty days from the date of receipt of the order dated 27.12.2019, it was incumbent upon the third respondent to implement the said order. However, without complying with the same, the second respondent has passed the present impugned order, which is contrary to the order passed by the first respondent. Accordingly, he prayed for appropriate orders from this Court.

4. Per contra, the learned Additional Government Pleader appearing on behalf of respondents 1 and 2 would submit that, admittedly, the petitioner had filed a petition under Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, before the first respondent, impleading the third respondent Society. However, the second respondent/Deputy Registrar or Registrar was not impleaded as a party. The Furthermore, the third respondent is not a competent authority to confer permanent employment



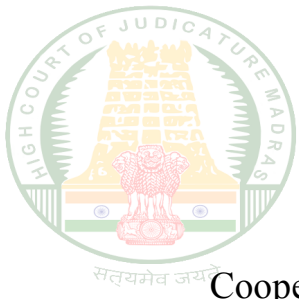
W.P.(MD)No.14620 of 2025

WEB COPY

to any paid servant, which is contrary to Rule 149 of the Tamil Nadu Cooperative Societies Rules, 1988. Every Society and its President entitled to appoint on the basis of the sanctioned cadre strength and with prior approval of the Registrar of Cooperative Society in terms of Rule 149. In the present case, the order passed by the first respondent is not binding on the second respondent, since he was not impleaded as a party before the first respondent. Therefore, the order passed by the first respondent is *non est* in law and accordingly, he prayed for dismissal of this writ petition.

5. Heard Mr.T.Thirumurugan, learned counsel for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, appearing on behalf of the respondents 1 and 2 and perused the materials available on record.

6. Admittedly, the petitioner was initially appointed as an Accountant/Writer in the third respondent/Y.T.12 National College Council Employees Cooperative Society in the year 2011. It is equally an undisputed fact that the petitioner had approached the first respondent seeking conferment of permanent employment, by impleading the



W.P.(MD)No.14620 of 2025

WEB COPY

Cooperative Society and its President. However, the petitioner had neither impleaded the second respondent/Deputy Registrar/Secretary of the Cooperative Society nor the Registrar of the Cooperative Societies in the petition filed under Section 3 of the Act. Therefore, the order passed by the first respondent is not binding on the second respondent or the Registrar of the Cooperative Societies. In respect of paid servants appointed by a Cooperative Society, appointments must be made strictly based on the cadre strength fixed by the Government. Even where cadre strength is fixed, such appointments can only be made with the prior approval of the Registrar of Cooperative Societies. In the present case, the petitioner has not established before this Court either the existence of approved cadre strength or the fact of having obtained prior approval from the Registrar. Hence, the order passed by the second respondent does not warrant interference by this Court. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

12.08.2025

Index : Yes / No
NCC : Yes / No
PKN



W.P.(MD)No.14620 of 2025

WEB COPY

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W.P.(MD)No.14620 of 2025

M.DHANDAPANI, J.

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W.P.(MD) No.14620 of 2025

12.08.2025