



**W.P.(MD).Nos.19927, 19932, 7822 and 7824
of 2019**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.19927, 19932, 7822 and 7824 of 2019

and

W.M.P(MD) Nos.16428, 16437, 6202, 6204 of 2019,
19748 and 19964 of 2022

W.P(MD) No.19927 of 2019:

M/s.Y-25, Manakkavilai Primary Agricultural
Co-operative Credit Society Limited,
Represented by its Administrator,
Mr.P.Greesh Kumar,
Christhupuram, Manalikai Post,
Kanyakumari District.

... Petitioner

Vs.

1. The Assistant Commissioner of Labour,
(Authority under Tamil Nadu Industrial
Establishments (Conferment of Permanent
Status to Workmen) Act, 1981,
Labour Department,
15, Paruvathana Street, Nagercoil – 01,
Kanyakumari District.

2. N.Stephen Rethina Raj

3. L.Johnson

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned order of the first respondent in reference Na.Ka.No./2009/2017, dated 10.08.2018 and quash the same and to issue such other appropriate directions or orders to the first respondent and grant such other remedy and relief to this petitioner.

For Petitioner	: Mr.M.P.Vasandharam For Mr.M.N.Ramkumar
For R1	: M/s.D.Farjana Ghoushia Special Government Pleader
For R2	: Mr.N.Dilipkumar
For R3	: No appearance

W.P(MD) No.19932 of 2019:

M/s.Y-25, Manakkavilai Primary Agricultural
Co-operative Credit Society Limited,
Represented by its Administrator,
Mr.P.Greesh Kumar,
Christhupuram, Manalikai Post,
Kanyakumari District.

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15, Paruvathana Street, Nagercoil – 01,
Kanyakumari District.

2. J.Thaya Singh

3. L.Johnson

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned order of the first respondent in reference Na.Ka.No/2011/2017, dated 10.08.2018 and quash the same and to issue such other appropriate directions or orders to the first respondent and grant such other remedy and relief to this petitioner.

For Petitioner : Mr.M.P.Vasandharam
For Mr.M.N.Ramkumar

For R1 : M/s.D.Farjana Ghoushia
Special Government Pleader

For R2 : Mr.N.Dilipkumar

For R3 : No appearance

W.P(MD) No.7822 of 2019:

N.Stephen Rethinaraj

... Petitioner

Vs.

1. The Authorised Officer/Competent Authority,
appointed under the
Tamil Nadu Industrial Establishment

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(Conferment of Permanent Status) Act No.46 of 1981,
Nagercoil, Kanyakumari District.

2. The Joint Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.
3. The Deputy Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.
4. Y-25, Manakkavilai Primary Agricultural
Co-operative Credit Society,
Represented by its
Administrative Officer,
Manalikkari – 629 164,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 to 4 to regularize the petitioner's service as Salesman in the 4th respondent Society with effect from 01.08.2015 pursuant to the orders passed by the first respondent dated 10.08.2018 in Na.Ka.No.2009/2017 with all attendant and consequential benefits.

For Petitioner : Mr.N.Dilip Kumar

For R1 to R3 : M/s.D.Farjana Ghoushia
Special Government Pleader

For R4 : Mr.M.P.Vasandharam



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For Mr.M.N.Ramkumar

W.P(MD) No.7824 of 2019:

J.Thaya Singh

... Petitioner

Vs.

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appointed under the
Tamil Nadu Industrial Establishment
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Nagercoil, Kanyakumari District.
2. The Joint Registrar of Co-operative Societies,
Nagercoil,
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3. The Deputy Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.
4. Y-25, Manakkavilai Primary Agricultural
Co-operative Credit Society,
Represented by its Administrative Officer,
Manalikkari – 629 164,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 to 4 to regularize the petitioner's service as Salesman in the 4th respondent Society with effect from 01.12.2015 pursuant to the orders passed by the first



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respondent dated 10.08.2018 in Na.Ka.No.2011/2017 with all attendant and consequential benefits.

For Petitioner : Mr.N.Dilip Kumar
For R1 to R3 : M/s.D.Farjana Ghoushia
Special Government Pleader
For R4 : Mr.M.P.Vasandharam
For Mr.M.N.Ramkumar

COMMON ORDER

W.P(MD) Nos.19927 and 19932 of 2019 have been filed by the Management of the Manakkavilai Primary Agricultural Co-operative Credit Society, challenging the order dated 10.08.2018 passed by the Authority under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, in two different proceedings confirming the Permanent Status of the two sales man working in the Fair Price Shop administered by the petitioner's Cooperative Society.

2. W.P(MD) Nos.7822 and 7824 of 2019 have been filed by the beneficiaries of the above said order seeking a Mandamus to implement the orders of the Authority under the Tamil Nadu Industrial Establishment



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(Conferment of Permanent Status) Act.

3. Both the petitioners herein were appointed between August 2013 and December 2013 as Salesmen in the Fair Price Shops administered by the Primary Agricultural Co-operative Credit Society by the Board of Directors. After completing 480 days of continuous service within a period of 24 months, both of them approached the Authority under the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, seeking a direction to confer permanent status. Both the applications were allowed on 10.08.2018. Challenging the same, the present Writ Petitions have been filed by the Management.

4. According to the learned counsel appearing for the petitioner/ Management, after the constitution of the District Recruitment Bureau, post of salesman in the Fair Price Shop has to be filled up only through the said Recruitment Bureau. However, these salesmen have been appointed in violation of the statutory provisions by the Board of Directors. He further submitted that the names of the salesmen were not sponsored by the



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employment exchange. Merely by getting applications directly from the respondents, appointment orders have been issued. Hence, the appointments cannot be considered to be regular and they are illegal appointments. In such circumstances, he relied upon the decision of the Hon'ble Division Bench of this Court reported in **2003 (1) L.L.N 315 (L.Justin vs. Registrar of Co-operative Societies and 2 Ors)** wherein the Hon'ble Division Bench has held that any appointment made by the Co-operative Society after 12.03.2001, otherwise than through employment exchange, cannot be regularized by the Government. He further submitted that the procedure has not been followed in view of the fact that their names have not been sponsored by the employment exchange nor recruited through the District Recruitment Bureau. Hence, he prayed for allowing these writ petitions filed by the Management.

5. Per contra, the learned counsel appearing for the respondents/workmen submitted that the post of salesman and packers in the Fair Price Shop was included within the purview of the District Recruitment Bureau only with effect from 08.01.2016 by way of introduction of Rule 150 (5)(c) of Tamil Nadu Cooperative Society Rules. Before the said amendment, the recruitment was covered by old Rule 150 (5) of Tamil Nadu Co-operative



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Society Rules. As per the said Rule, only if time scale of pay is Rs.350/-, recruitment has to be conducted through the Recruitment Bureau. The salesmen have been appointed under the consolidated pay scale and later converted into daily wages. The post of Salesman and Packer was not within the purview of the District Recruitment Bureau.

6. The learned counsel appearing for the respondents/workmen further submitted that as per Clause 3 (2) of the Special By Laws of the Society, the employees in the Fair Price Shop of the Society, under Public Distribution System, shall not be counted for the cadre strength as prescribed above. In such circumstances, the salesman under Fair Price Shop is excluded from the cadre strength of the Society. Therefore, the question of appointment or being regularized through District Recruitment Bureau or Special By laws would not arise. He further submitted that the Board of Directors have appointed them as a daily wager and on completion of 480 days of continuation of service within a period of 24 months, they have been directed to be regularized by the Management. In such circumstances, the judgment relied upon by the counsel for the petitioner in **2003 (1) L.L.N 315 (L.Justin vs. Registrar of Co-operative Societies)** is not applicable to the facts of the case.



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7. The learned counsel appearing for the respondents further submitted that they are working as a daily wager from the year 2013 onwards for the past 12 years and considering the fact that they are the last grade servants the order under Conferment of Permanent Status Act may not be interfered with. Hence, he prayed for allowing the writ petitions filed by the Salesmen and to dismiss the petitions filed by the Management.

8. Heard the learned counsel appearing on either side and perused the materials available on record.

9. There is no dispute with regard to the fact that the salesmen have been appointed between August 2013 and December 2013 on consolidated scale of pay of Rs.4000/- as a salesman in the Fair Price shop by way of appointment order issued by the Board of Directors. The salesmen were later converted into daily wagers on a sum of Rs150/- per day.



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10. The primary contention on the side of the Management is that the appointment should have been made through the District Recruitment Bureau and therefore, the appointment having not been made through the District Recruitment Bureau it is an illegal appointment and no illegal appointment can be regularized invoking the provisions of Tamil Nadu Conferment of Permanent Status to Workmen Act.

11. A perusal of the Tamil Nadu Co-operative Societies Rules reveal that the post of Salesman and Packer in Fair Price Shop had come within the purview of the District Recruitment Bureau by introduction of Rule 150 (5) (c) of the Tamil Nadu Co-operative Society Rule only with effect from 08.01.2016. The workmen were appointed in the year 2013 itself. In the year 2013, the District Recruitment Bureau, conducted the recruitment to the posts which carried the time scale of pay Rs.350/-. Admittedly, the workmen were not appointed in time scale of pay. They were appointed on consolidated pay and later they were converted as a daily wagers. In such circumstances, old Rule 150(5) of the Tamil Nadu Co-operative Societies Act is also not applicable to the facts of this case.



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12. The Government has issued G.O.(Ms) No.137, Co-operative, Food and Consumer Protection Department, dated 09.11.2015 bringing the post of Salesman and Packers into the time scale of pay. Therefore, until such date the post was not in the time scale of pay.

13. A perusal of the Special By Laws of the Society also reveal that the salesman and the Packer in the Fair Price Shop would not fall under the purview of the District Recruitment Bureau. The particular post does not fall within the cadre of District Recruitment Bureau and the statutory provisions and Rules do not bring the post of Salesman within the purview of District Recruitment Bureau and the Board of Directors would have power to that appointment. Even assuming that they were not sponsored through the employment exchange they are not illegal appointment. There is no dispute with regard to the fact that they have completed 480 days of continuous service within a period of 24 months. That apart, there is also no dispute with regard to their educational qualification. In such circumstances, the authority under the Tamil Nadu Conferment Act has rightly passed the orders under the Conferment of Permanent Status Act upon the Salesman. The petitioner/ Management is directed to pay arrears of salary within a period of twelve

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weeks from the date of receipt of a copy of this order.

14. In view of the above said deliberations, W.P(MD) Nos.19927 and 19932 of 2019 stand dismissed. W.P(MD) Nos.7822 and 7824 of 2019 stand allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

24.07.2025

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

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R.VIJAYAKUMAR,J.

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