



WP(MD)No.23276, 23277 of 2021 and 11419 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.23276 & 23277 of 2021 and 11419 of 2022 and
WMP(MD)Nos.19699, 19703, 19702, 19708, 19709, 19711 of 2021,
5346, 53741, and 20342 of 2023**

Arockiya Sukumar ...Petitioner
in WP(MD)No.23276 of 2021
S.Kalailingam ...Petitioner
in WP(MD)No.23277 of 2021
Vs

- 1.State of Tamil Nadu,
Principal Secretary / Chairman,
Labour Welfare and
Skill Development Department,
Secretariat, Chennai – 600 009.
- 2.The Registrar of Co-Operative Societies,
Office of the Registrar of Co-Operative Societies,
Periyar EVR High Road, Chennai – 600 010.
- 3.The Assistant Commissioner of Labour
(Enforcement),
Office of the Assistant Commissioner of Labour
(Enforcement),
Sivagangai.
- 4.The Assistant Commissioner of Labour
(Conciliation),
Office of the Assistant Commissioner of Labour
(Conciliation),
Ramanathapuram.



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5.The Managing Director,
R.S.836, Sivagangai District,
Central Co-Operative Bank,
Head Office, Sivagangai.

6.S.Malaichamy

...Respondents in
WP(MD)Nos.23276 and 23277 of 2021

[R6 is impleaded vide order dated
16.04.2024 in WMP(MD)No.23276 of
2021]

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for records pertaining to the impugned GO(D)No.570 of Labour Welfare and Skill Development dated 09.12.2021 on the file of the respondent No.1 and quash the same as illegal.

For Petitioner	: Mr.G.Karthick
For Respondent	: Mr.S.Vinodh,
Nos.1 to 4	Government Advocate
For Respondent	: Mr.D.Shanmugaraja Sethupathi
No.5	
For Respondent	: Mr.K.Vadivelu
No.6	

in WP(MD)No.11419 of 2022

The Management,
R.S.836, Sivagangai District Central,
Co-Operative Bank Ltd,
163, Gandhi Street, Sivagangai.

...Petitioner



WP(MD)No.23276, 23277 of 2021 and 11419 of 2022

Vs

- 1.The Secretary to Government,
Labour Welfare and
Skill Development Department,
Secretariat, Fort St.George, Chennai.
 - 2.The Assistant Commissioner of Labour (Conciliation),
Ramanathapuram.
 - 3.The Assistant Commissioner of Labour (Enforcement),
Sivagangai.
 - 4.Malaisamy,
R.S.836, Sivagangai District Central,
Co-Operative Bank Ltd,
163, Gandhi Street, Sivagangai.
 - 5.The General Secretary,
Tamil Nadu Co-Operative Bank Employees Federation,
District Central Co-Operative Bank,
Sivagangai.
 - 6.T.Arockia Sukumar,
Joint Registrar / Managing Director (in – charge),
R.S.836, Sivagangai District Central
Co-Operative Bank Ltd,
163, Gandhi Street, Sivagangai.
 - 7.Kaalailingam,
General Manager (in-charge)
R.S.836, Sivagangai District Central
Co-Operative Bank Ltd,
163, Gandhi Street, Sivagangai.
- ...Respondents



WP(MD)No.23276, 23277 of 2021 and 11419 of 2022

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of certiorari to quash the GO(D)No.570 of Labour Welfare and Skill Development dated 09.12.2021 issued by the 1st respondent permitting the 3rd respondent to prosecute the petitioner, the 6th and 7th respondents herein under Section 29 of the Industrial Disputes Act.

For Petitioner : Mr.S.Seenivasagam
For Respondent : Mr.S.Vinodh,
Nos.1 to 3 Government Advocate
For Respondent : Mr.K.Vadivelu
Nos.4 and 5
For Respondent : Mr.G.Karthick
Nos.6 and 7

COMMON ORDER

The erstwhile Joint Registrar / Managing Director (in charge) and General Manager (in charge) of Sivagangai District Central Co-Operative Bank, Sivagangai and the management have filed these writ petitions respectively as against the government order issued by the 1st respondent / Secretary to Government, Labour Welfare and Skill Development Department in GO(D)No.570, dated 09.12.2021, contemplating prosecution under Section 29 of the Industrial Disputes Act, as against the above officials of Sivagangai District Central Co-Operative Bank, Sivagangai.



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2.Since all these writ petitions are filed as against the same government order, these writ petitions are taken up together for hearing and are disposed of by this common order.

3.The respondent Malaichamy was working as a Manager in the Sivagangai District Central Co-Operative Bank. His son got MBBS seat in a private college. The prescribed tuition fee for the said private medical college is Rs.3,85,000/- per year. The employee Malaichamy has made a request to the management to reimburse this tuition fee of Rs.3,85,000/- as per the settlement made under Section 12(3) of the Industrial Disputes Act, dated 25.01.2019. There was a settlement under Section 12(3) of the Industrial Disputes Act (in short '12(3) settlement' between the management and the employees in the year 2019 and terms and conditions No.4 of 12(3) settlement is educational concession, which provides for reimbursement of tuition fee and other fee. The request of the employee Malaichamy for reimbursement of the fee, has not been considered by the management and hence, he lodged complaints before several agencies including government.



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4.The Assistant Commissioner of Labour (Conciliation)

Ramanathapuram, a party to the 12(3) settlement, has sent a proposal vide his letter dated 13.10.2021 for initiation of prosecution. The government have consulted with the Assistant Commissioners of Madurai and Chennai and passed the impugned government order for prosecution as against the Joint Registrar, Managing Director (i/c) and the General Manager (i/c) of the District Central Co-Operative Bank and the management for non compliance of the 12(3) settlement. Pursuant to the said government order, prosecution was initiated as against the above officials. Challenging the said government order the officials and the management have filed these writ petitions.

5.The submission made by the learned counsel for petitioners are summarized as under:

(i)The 6th respondent employee is entitled for reimbursement of tuition fee and other fee, which has been prescribed by the government for the government college. The 6th respondent has preferred to admit his son in a private college, for which reimbursement cannot be made.



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(ii) The Joint Registrar has sought for clarification from the Registrar of Co-Operative Societies as to the eligibility of reimbursement of the amount as claimed by the 6th respondent and the Registrar has also clarified that the reimbursement can be limited to the extent prescribed for the government colleges.

(iii) According to the petitioners, they have paid a sum of Rs.20,500/-, which is the fee prescribed for the government medical colleges. Therefore, there is no lapse on the part of the Joint Registrar and the General Manager in reimbursing the tuition fee. However, without considering the same, the 1st respondent has unilaterally passed an order for prosecution under Section 29 of the Industrial Disputes Act.

(iv) The Joint Registrar and the General Manager were in charge of the posts and that they have to abide by the orders of the Registrar. Therefore, they have taken the decision as per the clarification issued by the Registrar and they cannot be found fault and prosecuted.



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6.The learned counsel for the 6th respondent submits that the 6th respondent's son was allotted a medical seat in a private college namely, Tagore Medical College and Hospital, Chennai District under government quota in the counselling conducted by the Directorate of Medical Education. The fee for this private college was fixed by the government order and it is also extracted in the prospectus of the government of Tamil Nadu. According to the learned counsel, this allotment in the private medical college was made by way of counselling conducted by the government and the fee for this college is also prescribed in the prospectus for the year 2019-2020. Therefore the writ petitioners are liable to reimburse the tuition fee and other fee as per 12(3) settlement. He further submits that 12(3) settlement is made between the management and the employees in the presence of the Assistant Commissioner of Labour and it is a tripartite settlement, for which there cannot be any interpretation by the Registrar of the Co-Operative Societies alone. Therefore, the clarification if any made by the Registrar cannot be accepted when the settlement prescribes that the management is liable to reimburse the fee prescribed by the government. He has also relied on the proceedings of the Joint Commissioner of



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Labour (Special), Office of the Commissioner of Labour, in C4/35514/2023, dated 15.09.2025 and has submitted that the entire tuition fee and other fee, as prescribed by the government has been reimbursed to one of the employees of Cuddalore Central Co-Operative Bank, Panruti Branch.

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

8.The 6th respondent's son got allotment in a private medical college namely, Tagore Medical College and Hospital, Chennai District in the counselling conducted by the Directorate of Medical Education under the government quota for the academic year 2019-2020. For this college the fee prescribed by the government is Rs.3,85,000/-. This fee is also fixed pursuant to the Government Order in GO(D)No.947, Health and Family Welfare Department dated 06.10.2019. The fees for the medical college is finalised by the government based on the recommendation of the fee committee appointed by the government, depending upon the infrastructure in the colleges, which is also accepted



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by the government and it has been decalred by the government in GO(D)No.947, Health and Family Welfare Department, dated 06.10.2019.

9.It is relevant to extract terms and conditions No.4 of the 12(3) settlement, which reads as under:

“4.Educational concession:

As regards school education, the reimbursement of school fees is subject to the ceiling prescribed by the government of Tamil Nadu, every now and then.

With regard to the College Education, the reimbursement of tuition fees and other fees are upto the levels prescribed by the Government of Tamil Nadu.

The Educational Concession scheme is restricted to only two children of an employee.”

10. The above condition of the 12(3) settlement is very clear that the employees are entitled for reimbursement of tuition fee and other fee, as prescribed by the Government of Tamil Nadu. It is not the fee, prescribed for government colleges, but it is the fee prescribed by the



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government. When it is a tripartite settlement, the Registrar, one of the parties alone cannot make any interpretation of the conditions of the 12(3) settlement, based on which the writ petitioners ought not to have taken the decision. However, this court is not inclined to find fault with the Joint Registrar / Managing Director (in charge) and the General Manager (in charge). Therefore, the impugned government order is set aside.

11.It is made clear that as per the 12(3) settlement, this 6th respondent is entitled for reimbursement of tuition fee and other fee, which is prescribed by the Government of Tamil Nadu for Tagore Medical College and Hospital, Chennai District. The management shall reimburse the tuition fee with 6% interest per annum to the 6th respondent within a period of six weeks from the date of receipt of a copy of this order, deducting if any already paid.

12.The writ petitions are disposed of in the above terms. No costs. Consequently connected miscellaneous petitions are closed.

04.11.2025

DSK



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To

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- 1.The Principal Secretary / Chairman,
Labour Welfare and
Skill Development Department,
Secretariat, Chennai – 600 009.
- 2.The Registrar of Co-Operative Societies,
Office of the Registrar of Co-Operative Societies,
Periyar EVR High Road, Chennai – 600 010.
- 3.The Assistant Commissioner of Labour
(Enforcement),
Office of the Assistant Commissioner of Labour
(Enforcement),
Sivagangai.
- 4.The Assistant Commissioner of Labour
(Conciliation),
Office of the Assistant Commissioner of Labour
(Conciliation),
Ramanathapuram.
- 5.The Managing Director,
R.S.836, Sivagangai District,
Central Co-Operative Bank,
Head Office, Sivagangai.



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B.PUGALENDHI.J.,

DSK

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