



WP.(MD)No.21076 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.21076 of 2018

S.Rajamanickam

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Pattukottai, Thanjavur District.

2.The Special Officer,
T 1349, Madukkur Primary Agricultural Co-operative Bank Ltd.,
Madukkur,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the Cooperative Tribunal (Principal District Court, Thanjavur) in CMA.No.13 of 2015 dated 24.11.2016 confirming the proceedings of the second respondent in dispute No.34 of 2008-2009 dated 24.02.2009 and quash the same and consequently direct the second respondent to pay balance amount of retirement benefits on the basis of the pay fixed under the settlement of Section 18(1) of the Industrial Dispute Act.

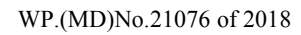


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For Petitioner : Mr.S.M.Mohan Gandhi
For R1 : Mr.S.Vinodh,
Government Advocate.
For R2 : Mr.R.Sethuraman

ORDER

The petitioner is a retired Secretary of the second respondent Society. He retired from service on 30.04.2005 on superannuation. He was not paid with terminal benefits as per 18(1) settlement. The petitioner has filed an industrial Dispute in Dispute.No.34/2008-2009 and the same was dismissed by the first respondent that the petitioner has no right to claim terminal benefits based on the irregular wage settlement dated 12.10.1999 by the Board of Societies. As against the order of the first respondent, the petitioner has filed an appeal under Section 152 of the Tamil Nadu Co-operatives Societies Act before the Co-operative Tribunal / Principal District Court, Thanjavur in CMA.No.13 of 2015 and the same was also dismissed, by an order dated 24.11.2016. As against which, the petitioner has filed the present petition.



3.The learned counsel appearing for the second respondent by referring to G.O.MS.No.131, Co-operation, Food and Consumer Production Department, dated 04.06.1999 submits that the Government has taken a policy decision that there cannot be any 18(1) settlement, after 1998. The Societies with the connivance of the Board have entered 18(1) settlement with more wages to their employees, due to which, most Societies has been went in liquidation. Therefore, the Government has taken a policy decision in GO.Ms.No.131 dated 04.06.1999 that there cannot be any 18(1) settlement with effect from 01.07.1997. However, contrary to this instructions, a regular wage settlement was arrived by the Board on 12.09.1999, after the issuance of above said Government Order. Therefore, this wage settlement was considered to be an



irregular wage settlement by the first respondent and rejected the claim of the petitioner, which was also confirmed by the Tribunal.

4.This Court has considered the submissions made on either side and perused the available materials on record.

5.The petitioner is claiming terminal benefits based on the 18(1) settlement arrived by the Board on 12.10.1999. Considering the manner in which the wage settlement has been made by the Boards without considering the income of the bank and most of the Societies went in liquidation, the Government has taken a policy decision that there cannot be any 18(1) settlement in the Board, after 01.07.1997. Admittedly, the 18(1) settlement claimed by the petitioner was made by the Board on 12.10.1999, after the issuance of the Government Order. It is also stated that all the employees of the Society, except petitioner, have accepted the revised wages as per GO.Ms.No.131 and they have also received the same.

6.In view of the specific guidelines issued in GO.Ms.No.131, dated 04.06.1999 and that the wage settlement relied on by the



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petitioner has been made as against the said Government Order, this Court is not inclined to interfere with the impugned order dated 24.11.2016. Accordingly, this writ petition is dismissed. No costs.

24.09.2025

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

- 1.The Deputy Registrar of Co-operative Societies,
Pattukottai, Thanjavur District.
- 2.The Cooperative Tribunal,
(Principal District Court)
Thanjavur.



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