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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 43629 of 2026

and WMP.No.48984 of 2026

CNR: {HCMA012027002026}

The Management
C- 2527 , P. Guruvarjapalayam primary
Agricultural Co. operative credit society,
P. Gurvarjapalayam village and post,
Anaikatti taluk,
Vellore district 632102

..Petitioner(s)

Vs

1. INTUC North Arcot General Labour Federation
   Regn. No. 285/NAT,
   No. 27 Padmanaban complex,
   Arni road,
   Dinakaran Bus stop,
   Vellore 632 001

2. G.Balaraman
   S/o. Govindan,
   Pillaiyarkoil street,
   Guruvarjapalayam village and post,
   Anaikatti Taluk,
   Vellore district 632 102

..Respondent(s)

Prayer**:** Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records relating to the order passed by the Labour Court, Vellore, Vellore district dated 30.06.2026 in I.D.No 67 of 2025 quash the same.

For Petitioner(s): R.ANBALAGAN

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ORDER

The present writ petition has been filed for issuance of a writ of Certiorari to call for the records relating to the order passed by the Labour Court, Vellore, Vellore district dated 30.06.2026 in I.D.No 67 of 2025 quash the same.

2. The petitioner management of the Co-operative Society has challenged the impugned award dated 30.06.2026 passed by the labour Court in I.D.No.37 of 2025 fled by the 1st respondent espousing the cause of an employee namely G.Balaraman. By the impugned award, labour Court has upheld the contention of the respondent that the said employee/claimant G.Balaraman was entitled to be promoted as a Clerk notionally with effect from 20.07.2016. The operative portion of the impugned order is reproduced hereunder:-

> ***" In the result, the demand of the petitioner's union is accepted by this Court and the claimant Mr.G.Balaraman being a Clerk of the respondent society is entitled to be notionally promoted to the rank of clerk with effect from 20.07.2016 and to fix salary for the clerk post along with due monetary benefits".***

3. A perusal of the impugned order and the records that were filed before the Labour Court which has been filed here along with the typed set indicate that the said G.Balaraman joined the petitioner Society as a Salesman on 01.11.1983 in the fair price shop and that he was promoted as a Clerk only in the year 2021. He had later retired from service on 30.04.2025 on attaining the

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age of superannuation. During the interregnum his subordinate namely Vijayakumar who had joined the service with the petitioner Society on 24.12.1999 as a Village Shop Vendor was promoted as a Clerk. This was purportedly pursuant to an executive committee meeting held and promoted the said Vijayakumar on 20.07.2016 and was paid salary as per the order of the Deputy Registrar, Tirupattur vide letter No. N.K.82/2017 dated 17.10.2017.

4. The labour Court after examining the records produced by the petitioner and after examining the sole witness examined by the petitioner has come to the conclusion that the 2nd respondent claimant G.Balaraman was entitled to promotion retrospectively with effect from 20.06.2016. The exhibits which were marked on behalf of the petitioner has been examined thread bare by the labour Court. The discussion after recording the contents of the exhibits marked on behalf of the petitioner reads as under:

> ***"The evidence of MW1 clearly proves that when the post of Clerk fell vacant Balaraman was qualified for the same. MW1 admits that Balaraman has filed review against the appointment of Vijayakumar as Clerk and the Joint Registrar had decided to offer the job to Balaraman. MW1 has stated that they have waited for 20 days and Balaraman has not given consent to work as Clerk and so Vijayakumar was appointed as Clerk. MW1 admits that on 20th Balaraman has given the petition, he was requested to give the petition in front of the President and joint the meeting but he has***

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not joined the meeting. When MW1 was asked whether written requisition was given to Balaraman to attend the meeting he said that it was not given".

5.It is in this back ground the labour Court has concluded as under:-

"The promotion of Vijayakumar to the post of Clerk is discriminative, because Balaraman was the Senior and he had the required qualification of +2 and D.Coop at the time when the post of Clerk fell vacant. So Balaraman should have been promoted as Clerk on 20.07.2016. But his junior Vijayakumar has been promoted promoted as Clerk, the act of the respondent is arbitrary and the respondent has shown hostile discrimination which violates the principle of substantive equality. The Bye laws of the cooperative society is based on seniority cum merit and the management cannot by pass it without valid legal reason. So the claimant is entitled notional promotion from the date when Vijayakumar took charge along with full consequential back wages. Even after the Joint Registrar has striken down the wrongful administrative decision which has been confirmed by the Deputy Registrar, the claimant Balaraman has been promoted as Clerk only on 01.07.2021.

So the claimant is entitled to notional promotion from 20.07.2016 and back wages from that date. Therefore the demand of the union is allowed by this Court".

6. Thus it cannot be said that there is any formidable basis in the challenge to the impugned award passed by the Labour Court. That apart, the

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scope of judicial review against an award passed by the labour Court or the order of the Tribunal is merely confined to the decision making process and illegality as a consequence thereof. The Court is really not concerned with the ultimate decision unless the decision is itself arbitrary in which case alone it can be quashed.

7. Admittedly in this case, the labour Court has followed the procedure while disposing of I.D.No.67 of 2025 filed by the respondent espousing the cause of the said workman. Since there are no procedural irregularity committed while passing the impugned order and there is no illegality in the impugned order flowing from the procedure adopted by the labour Court while passing the impugned order, the challenge to the impugned award has to fail. The reasoning given in the impugned award of the labour Court also does not suffer from any perversity rendering it amenable to a valid challenge under Section 226 of the Constitution of India.

8. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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C.SARAVANAN, J.

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To

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