



W.P.No.44075 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.01.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.44075 of 2025

C.Kuppusami

.. Petitioner

Versus

1. The Regional Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
2nd floor, Collectorate,
Namakkal – 637 003.
2. The Deputy Registrar of Co-op. Societies,
Office of the Deputy Registrar of Co-operative Societies,
Collectorate Building,
Namakkal – 637 003.
3. The Deputy Registrar of Co-operative Societies,
Office of Deputy Registrar of Co-operative Societies,
Erode Road,
Tiruchengodu Post,
Namakkal District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to pay the salary for the month of October, 2025 without any deduction to the employees of the petitioner Union participated in the strike at Namakkal district



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immediately.

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For Petitioner : Mrs.K.C.Muthulakshmi

For Respondents : Mrs.M.Geetha Thamaraiselvan,
Special Government Pleader

ORDER

This Writ Petition was filed originally with a prayer directing the respondents to pay the salary for the month of October, 2025 without any deduction to the employees of the petitioner union who participated in the strike at Namakkal district.

2. The case of the petitioner is that it is a trade union registered under the Trade Unions Act, 1926 representing the workmen of various Co-operative Societies. While so, for the purpose of revision pay, when the Societies were categorised as A, B and C according to the turn over strength, while implementing the scales of pay, the workmen were given a raw deal and on the strength of the circular issued by the Registrar of Co-operative Societies, some of the allowances, already enjoyed, were also withdrawn. Under these circumstances, the petitioner union gave a notice of strike, dated 15.09.2025 to the Registrar of Co-operative Societies and raised several demands.



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3. It is the case of the petitioner that the demands are very reasonable and were never looked into by the Registrar of Co-operative Societies or by the particular management. The date of strike was fixed as 06.10.2025 for demonstrating their demands peacefully. The strike commenced on 06.10.2025 and on 09.10.2025, the Registrar called the union, discussed the issue and the petitioner union also accepted the advice of the Registrar, whereby, some promises were made to redress certain long pending grievances of the employees. Accordingly, the strike was called off on 10.10.2025 and the employees resumed the duty from 11.10.2025 itself. Under the said circumstances, the Writ Petition was filed to pay the salary for the month of October, 2025 without any deduction.

4. When the Writ Petition was entertained and a notice was ordered, the employees were not paid the salary at all. Under the circumstances, the matter was mentioned for taking up on urgent basis. Even the next month salary, after completion of the month of November, 2025, was not immediately paid. When the matter came up for hearing on 09.12.2025, it was submitted on behalf of the learned Counsel for the



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respondents that the salary is being disbursed in the meanwhile.

Therefore, this Court, by way of an interim order, dated 09.12.2025, recorded the same and adjourned the matter further. Thereafter, it is now reported that the entire arrears of salary was paid and the salary is continued to be paid month on month. However, the Registrar of Co-operative Societies had issued a circular on 07.10.2025 to all the Societies stating that those of the employees who participated in the strike will not be paid salary for the respective dates, on which, they indulged in strike on the principles of no work-no pay basis and therefore, the salary for the said 5 days is withheld from all the employees who participated in the strike.

5. The learned Counsel for the petitioner would submit that the strike was perfectly legal inasmuch as the mandatory provisions of giving the 14 days clear notice and making the demands, were all complied with and it cannot be termed as illegal at all. It was the default on the part of the Registrar of Co-operative Societies to have called the union for negotiation only four days after the strike. On the contrary, even before the strike, if the Registrar of Co-operative Societies could have called for the negotiation, the matter would have been settled at the earliest. Therefore, if the strike is a legal strike, merely because the employees



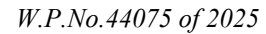
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indulged in collective bargaining which is their right that is guaranteed under the Industrial Relations Code, 2020 and the erstwhile Industrial Disputes Act, 1947, the salary cannot be deducted and withheld on the ground of no work-no pay.

6. Per *contra*, the learned Special Government Pleader for the respondents would submit that the salary has been withheld pursuant to the circular, dated 07.10.2025 and the circular is not put to challenge. Secondly, when the employees have not worked for the said five days, rightly, the salary has been deducted on the ground of no work-no pay basis. The work of the Co-operative Societies cannot be put to jeopardy and at the same time, salary cannot be paid to the employees who are taking part in the strike.

7. I have considered the rival submissions made on either side and perused the material records of the case.

8. The learned Counsel for the petitioner relied upon the order of this Court, dated 18.01.2022 in ***CITU NLC Labour and Staff Union and Anr. Vs. Government of India and Ors.*** in ***W.P.No.17705 of 2013***, more



extracted hereunder:-

“10. Incidentally, the strike notice was issued in conformity with the provision under Section 22 (1) of the ID Act. It is true that the Standing Orders cannot be in derogation to the provision of the ID Act. But Clause 44 does not refer to the nature of strike or whether such a proposed strike is in violation of Section 22 or Section 24 of the ID Act. The issue is as to whether the strike is legal or illegal is a matter that requires adjudication and therefore claiming that the proposed strike is an illegal strike and thereby invoking Clause 44, is impermissible in view of the non applicability of the Clause. Thus, the proposed action of the third respondent dated 22.06.2013 and 24.06.2013, are not in conformity with Clause 44 and therefore, the petitioners are entitled to succeed.”

9. The contention made is that unless the strike is declared to be illegal, salary cannot be deducted. Be that as it may, even the impugned circular does not consider the notice that is given even to the Registrar of Co-operative Societies before advertizing to the strike. It also does not term the strike as illegal. Therefore, without even application of mind as to whether the strike is illegal or not, the decision is made not to pay for the period of strike. Secondly, it can be seen that when the circular was only to cut the wages for the period of strike, none of the Societies made any payment at all. Not only for the month of October, 2025, even for the month of November, 2025, the entire salary was not paid. Only when the



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matter was taken up before this Court, in the month of December, 2025 very belatedly, the salary was paid. Therefore, the respondents cannot take the powers that are granted to them for the grant of salary in a one sided manner while they do not pay any interest or when there is no justification to defer the entire salary for the said two months without giving them on the respective dates, they have promptly deducted the salary for 5 days based on the circular. In this case, it can be seen that there is an action by the workmen and there is a counter action on behalf of the management in stopping the entire salary. Under these peculiar circumstances of the case, when due strike notice was given and the issue has also subsequently been resolved, I am of the view that withholding of their salary for the strike period is unjustified and uncalled for.

10. Accordingly, this Writ Petition is disposed of on the following terms:-

(i) The circular, dated 07.10.2025, bearing Na.ka.No.4691/2023/தொழிலை நாளி is declared to be illegal inasmuch as it ordered stoppage of salaries for the strike period of the employees;

(ii) The said wages which are withheld shall also be paid to the



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workmen along with the wages that are paid during the month of March, 2026.

(iii) The authorities shall act on the web-copy of the order without waiting for the certified copy of this order;

(iv) There shall be no order as to costs.

28.01.2026

Neutral Citation : no
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To

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D.BHARATHA CHAKRAVARTHY, J.

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