



W.P(MD)No.16679 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.16679 of 2023

and

W.M.P(MD)No.13938 of 2023

The Management,
M.D. (Spl) Melathirumanickam Primary
Agricultural Cooperative Credit Society,
Melathirumanickam,
Peraiyur Taluk,
Madurai District.

... Petitioner

Vs

1.The Deputy Commissioner of Labour,
Under the Appellate Authority of Tamil Nadu
Shops and Establishments Act,
Bharathi Ula Road,
Near Thamari Thotti,
K.Pudur, Madurai.

2.T.K.Ramar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned



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order of the first respondent passed in T.N.S.E(A) 02/2021 dated 25.05.2023 and quash the same.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.M.Mahaboob Athiff (R1)
Counsel for State

: Mr.T.Ravichandran (R2)

ORDER

This Writ Petition has been filed challenging the order dated 25.05.2023 passed by the first respondent and seeking to quash the same.

2.Learned counsel appearing for the petitioner submitted that the second respondent was employed in the petitioner Co-operative Society. Owing to certain allegations of misconduct, the services of the second respondent came to be terminated by the petitioner Society. Aggrieved by the order of termination, the second respondent preferred an appeal under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947 (hereinafter referred to as "the Act"), before the first respondent. By order



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dated 25.05.2023, the first respondent allowed the appeal and granted relief to the second respondent. Challenging the said order, the present Writ Petition has been filed.

3.Learned counsel for the petitioner further submitted that the issue involved in the present case is no longer res integra. It is contended that an identical issue has been considered and decided by the Division Bench of this Court in ***W.A.No.707 of 2026, dated 18.03.2026 (The Tamil Nadu Industrial Co-operative Bank Limited v. The Joint Commissioner of Labour, Salem and another)***. The Division Bench held that, in view of the exemption contained in Section 4(1)(f) of the Tamil Nadu Shops and Establishments Act, 1947, an employee whose service conditions are governed by a special statute, the Rules framed thereunder, the service regulations or the bye-laws of the Co-operative Society, cannot invoke the appellate remedy under Section 41 of the Act. It is further held that the authorities under the Tamil Nadu Shops and Establishments Act have no jurisdiction to entertain appeals filed by employees of Co-operative Societies



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in matters relating to their service conditions. Accordingly, learned counsel prayed for allowing the Writ Petition.

4.This Court has carefully considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

5.The issue raised in the present Writ Petition is squarely covered by the judgment of the Division Bench of this Court in ***W.A.No.707 of 2026, dated 18.03.2026 (The Tamil Nadu Industrial Co-operative Bank Limited v. The Joint Commissioner of Labour, Salem and another)***. The Division Bench has categorically held that where the service conditions of an employee of a Co-operative Society are governed by the provisions of the Tamil Nadu Co-operative Societies Act, 1983, the Rules framed thereunder and the bye-laws of the Society, the provisions of the Tamil Nadu Shops and Establishments Act, 1947, particularly the appellate remedy under Section 41 thereof, are inapplicable by virtue of Section 4(1)(f) of the Act.



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Consequently, the authorities functioning under the Tamil Nadu Shops and Establishments Act lack jurisdiction to entertain such appeals.

6.In the light of the authoritative pronouncement of the Division Bench, the impugned order passed by the first respondent under Section 41 of the Tamil Nadu Shops and Establishments Act is without jurisdiction and is therefore liable to be set aside.

7.Accordingly, the impugned order dated 25.05.2023 passed by the first respondent is set aside and this Writ Petition stands allowed. However, liberty is granted to the second respondent to work out his remedies before the appropriate forum under the provisions of the Tamil Nadu Co-operative Societies Act, 1983, the Rules framed thereunder and the relevant bye-laws of the petitioner Society, if so advised. It is further directed that the period during which the proceedings remained pending before the authorities under the Tamil Nadu Shops and Establishments Act and before this Court shall stand excluded for the purpose of computing the



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period of limitation while pursuing such remedy. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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