



W.P(MD)No.19579 of 2022 etc cases

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)Nos.19579, 4251, 11927, 5609 and 27423 of 2022
and

W.M.P.(MD).Nos.14293, 3633, 8485, 4531 and 21519 of 2022

W.P.(MD).No.19579 of 2022

The Management,
D.D.115, Palani Co-operative Primary
Agricultural and Rural Development Bank Limited,
Palani,
Dindigul District-624 601.

... Petitioner

Vs

1.The Authority under the Tamil Nadu
Shops and Establishments Act,
(Joint Commissioner of Labour),
Collectorate Complex,
Dindigul-624 004.

2.A.Sivakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the first respondent relating to T.N.S.E.No.07 of 2021 quash the order dated 14.06.2022 passed therein, grant such other relief as expedient to the facts and circumstances of the matter.

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For Petitioner : Mr.S.Seenivasagam

For Respondents : Mrs.K.R.Shivashankari,
Counsel for State for R-1

: Mr.G.Murugan for R-2

W.P.(MD).No.4251 of 2022

The Management,
Dindigul Central Co-operative Bank Limited,
Represented through its Managing Director,
Koottuvravu Nagar,
Trichy Road,
Dindigul-624 005.

... Petitioner

Vs

1.The Joint Commissioner of Labour,
(Appellate Authority under Section 41(1) of the
Tamil Nadu Shops and Establishments Act),
Collectorate Complex, Dindigul-624 004.

2.S.Maheswari

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the first respondent relating to T.N.S.E.No.03 of 2018 quash the order dated 22.11.2021 passed therein, grant such other relief as expedient to the factsand circumstances of the matter.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mrs.K.R.Shivashankari,
Counsel for State for R-1



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: Mr.T.Ravichandran for R-2

W.P.(MD).No.11927 of 2022

The Management,
D.D.164 Southern Railway Employees'
Consumer Co-operative Stores Limited,
Nathan Road,
Dindigul.

... Petitioner

Vs

1.The Joint Commissioner of Labour,
(Appellate Authority under Section 41(1) of the
Tamil Nadu Shops and Establishments Act),
Collectorate Complex, Dindigul-624 004.

2.G.Senthilkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the first respondent relating to T.N.S.E.No.03 of 2019 quash the order dated 19.01.2022 passed therein, grant such other relief as expedient to the factsand circumstances of the matter.

For Petitioner : Mr.S.Seenivasagam

For Respondents : Mrs.K.R.Shivashankari,
Counsel for State for R-1

: Mr.T.Ravichandran for R-2



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WEB COPY **W.P.(MD).No.5609 of 2022**

The Management,
M.D.104, Dindigul Central Co-operative Bank Limited,
Koottuvravu Nagar,
Trichy Road,
Dindigul-624 005.

... Petitioner

Vs

1.The Joint Commissioner of Labour,
(Appellate Authority under Section 41(1) of the
Tamil Nadu Shops and Establishments Act),
Collectorate Complex, Dindigul-624 004.

2.P.Muniyasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the first respondent relating to T.N.S.E.No.01 of 2019 quash the order dated 15.12.2021 passed therein, grant such other relief as expedient to the factsand circumstances of the matter.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mrs.K.R.Shivashankari,
Counsel for State for R-1

: Mr.V.O.S.Kalaiselvan for R-2



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W.P.(MD).No.27423 of 2022

The Management / President
A1990, Bodinayakkanur Co-operative
House Building Society Limited,
Bodinayakkanur Post and Taluk,
Theni District.

... Petitioner

Vs

1.The Appellate Authority under
Tamil Nadu Shops and Establishments Act,
(Joint Commissioner of Labour),
Dindigul-624 004.

2.S.Balakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the first respondent relating to T.N.S.E.No.03 of 2020 quash the order dated 05.07.2022 passed therein, grant such other relief as expedient to the factsand circumstances of the matter.

For Petitioner : Mr.G.Muruggan

For Respondents : Mrs.K.R.Shivashankari,
Counsel for State for R-1

: Mr.G.Prabhu Rajadurai for R-2



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COMMON ORDER

Since the issue involved in all these writ petitions is common, they are taken up together for final disposal by way of this common order.

2. These writ petitions have been filed to quash the impugned orders dated 14.06.2022, 22.11.2021, 19.01.2022, 15.12.2021 and 05.07.2022 respectively passed by the first respondent.

3. The second respondents in the respective writ petitions were employees of the petitioner Co-operative Societies. Disciplinary proceedings were initiated against them and, after conducting domestic enquiries, they were dismissed from service. Aggrieved by the respective orders of dismissal, the employees preferred appeals before the Appellate Authority constituted under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947. The Appellate Authority allowed the appeals by setting aside the orders of dismissal. Challenging the said orders, the present writ petitions have been filed.

4. The learned counsel appearing for the petitioners submitted that the principal issue arising for consideration in these writ petitions is whether the



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Appellate Authority under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947 has jurisdiction to entertain appeals filed by employees of Co-operative Societies.

5. It is further submitted that the said issue is no longer res integra and has been conclusively decided by the Division Bench of this Court in W.A.No.707 of 2026, dated 18.03.2026. The Division Bench held that where an establishment is governed by a special enactment providing a complete mechanism governing the service conditions of its employees, the provisions of the Tamil Nadu Shops and Establishments Act, 1947 would not apply.

6. According to the learned counsel for the petitioners, the petitioner Societies are registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. The said Act is a self-contained and comprehensive enactment governing the constitution, administration and service conditions of the employees of Co-operative Societies. The Special Bye-laws framed by the respective Co-operative Societies and approved by the Registrar under the Act prescribe the procedure for disciplinary proceedings, imposition of punishment



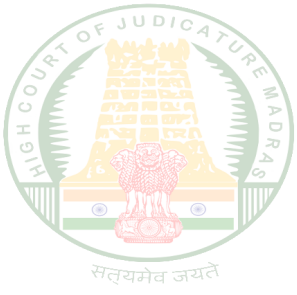
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and the appellate remedies available to the employees. Further, Section 153 of the Tamil Nadu Co-operative Societies Act provides a statutory remedy of revision before the competent authority. Therefore, the employees cannot invoke the appellate jurisdiction under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947. Accordingly, the learned counsel prayed that the impugned orders passed by the Appellate Authority be set aside.

7. Per contra, the learned counsel appearing for the second respondents in all these writ petitions submitted that there is no express exclusion under the Tamil Nadu Co-operative Societies Act, 1983, barring the applicability of the Tamil Nadu Shops and Establishments Act, 1947. In the absence of an express ouster clause, the employees are entitled to invoke the remedy under Section 41 of the Tamil Nadu Shops and Establishments Act. Hence, the appeals filed before the Appellate Authority are perfectly maintainable. Therefore, the learned counsel prayed for dismissal of the writ petitions.

8. This Court has carefully considered the rival submissions and perused the materials available on record.



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WEB COPY 9. The only issue that arises for consideration is whether an employee of a Co-operative Society governed by the provisions of the Tamil Nadu Co-operative Societies Act, 1983, can maintain an appeal under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947.

10. The above issue stands concluded by the judgment of the Division Bench of this Court in W.A.No.707 of 2026, dated 18.03.2026, wherein it has been categorically held that the Tamil Nadu Co-operative Societies Act, 1983 is a special enactment providing a complete code governing the service conditions of the employees of Co-operative Societies. The Division Bench has further held that when a special statute provides a complete mechanism for redressal of grievances, including disciplinary proceedings and statutory remedies, the provisions of the Tamil Nadu Shops and Establishments Act, 1947 cannot be invoked.

11. In the present case, admittedly, the petitioner Societies are registered under the Tamil Nadu Co-operative Societies Act, 1983. The disciplinary proceedings were initiated in accordance with the Special Bye-laws approved



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under the Act. The employees also have statutory remedies available under the provisions of the Tamil Nadu Co-operative Societies Act. Therefore, the Appellate Authority constituted under Section 41 of the Tamil Nadu Shops and Establishments Act lacked jurisdiction to entertain the appeals preferred by the second respondent.

12. In view of the authoritative pronouncement of the Division Bench, the impugned orders passed by the Appellate Authority under the Tamil Nadu Shops and Establishments Act cannot be sustained and are liable to be set aside.

13. Accordingly, all these writ petitions are allowed and the impugned orders passed by the Appellate Authority are set aside. However, liberty is granted to the second respondents/employees to work out their remedies before the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act, 1983, the Special Bye-laws framed thereunder, or before any other forum available to them in law, including the Industrial Tribunal/Labour Court, if such remedy is otherwise maintainable.



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WEB COPY 14. Since the second respondents in all these writ petitions had been prosecuting the proceedings before the Appellate Authority under the Tamil Nadu Shops and Establishments Act, the period spent in prosecuting those proceedings shall be excluded for the purpose of computing limitation, if the second respondents choose to avail the appropriate statutory remedy before the competent forum.

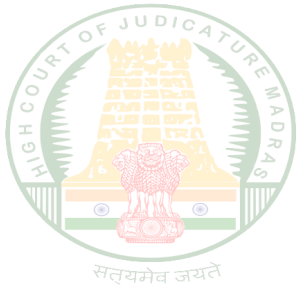
15. With the above observations and liberty, all the writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No
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Shops and Establishments Act,
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M.DHANDAPANI, J.

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