

W.A(MD).Nos.894 & 895 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON : 16.09.2025

PRONOUNCED ON : 22.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**  
**and**  
**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.A(MD).Nos.894 & 895 of 2018  
and  
CMP(MD).Nos.5941 & 5767 of 2018

WA(MD).No.894 of 2018:

The Management  
A 387 Kodaikanal Co-operative Stores Ltd.,  
Kodaikanal  
Dindigul District ....Petitioner/Appellant

Vs

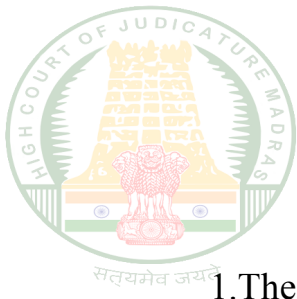
1.The Appellate Authority  
Under the Tamil Nadu Shops  
Establishments Act,  
(Deputy Commissioner of Labour)  
Dindigul District

2.A.Sahul Hameed ....Respondent/Respondents

WA(MD).No.895 of 2018

The Management  
A 387 Kodaikanal Co-operative Stores Ltd.,  
Kodaikanal  
Dindigul District ....Petitioner/Appellant

Vs



W.A(MD).Nos.894 & 895 of 2018

WEB COURT

1.The Appellate Authority  
Under the Tamil Nadu Shops  
Establishments Act,  
(Deputy Commissioner of Labour)  
Dindigul District

2.S.Jeyaprakash

....Respondent/Respondents

**Prayer in WA(MD).No.894 of 2018:** Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in WP(MD).No.11345 of 2017 dated 26.02.2018.

**Prayer in WA(MD).No.895 of 2018:** Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in WP(MD).No.11346 of 2017 dated 26.02.2018.

For Appellant : Mr..V.O.S.Kalaiselvam  
in both appeals

For Respondents : Mr.S.R.A.Ramachandran  
Additional Government Pleader for R1  
in both appeal

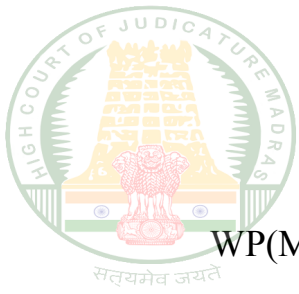
: Mr.R.Saravanan for R2  
in WA(MD).No.894 of 2018

: No appearance (Batta not paid) for R2  
in WA(MD).No.895 of 2018

### **COMMON JUDGMENT**

(Made by **R.VIJAYAKUMAR,J.**)

These writ appeals have been preferred by the management of a Co-operative Society challenging two separate orders passed in



W.A(MD).Nos.894 & 895 of 2018

WP(MD).Nos.11345 and 11346 of 2017 wherein the writ Court had confirmed the orders passed by the appellate authority under Tamil Nadu Shops and Establishments Act, 1947. Since the issue involved in both the writ appeals are common, they are tagged together and a common order is being passed.

2.The second respondent in both the writ appeals were employed as Packers on daily wage basis in the Co-operative Stores run by the appellate management. Both of them were appointed as Packers in February 2000. Both of them were terminated on 10.06.2014. Challenging the said termination order, they have preferred T.N.S.E.Nos.2 and 3 of 2015 before the appellate authority under Tamil Nadu Shops and Establishments Act, 1947.

3.The appellate authority by way of two separate orders had allowed both the appeals on 13.03.2017 directing the management to reinstate them. Challenging these two orders, the Society had filed the above said writ petitions. These writ petitions were dismissed by the writ Court by way of separate orders dated 26.02.2018 confirming the order of the appellate authority. Challenging the same, the present writ appeals have been preferred by the management.

4.The learned counsel for the appellant had contended that for filing an appeal under Section 41 of the Tamil Nadu Shops and Establishments Act, the employee should have been employed continuously at least for a period of six



W.A(MD).Nos.894 & 895 of 2018

months. Both these workmen have not completed six months of service. They were engaged on a sporadic basis on payment of daily wages. In such circumstances, the appeal preferred by them is not maintainable.

5.The learned counsel for the appellant had relied upon a decision of this Court in ***WA.Nos.2501 and 2502 of 2001 ( L.Justine Vs.The Registrar of Co-operative Societies, Chennai and others) dated 24.10.2002; (2003) II LLJ 754 Mad (Tindivanam Co-operative Housing Vs.The Deputy Commissioner of Labour and another); W.P.No.25113 of 2015 (G.Sundaramoorthy Vs. The Joint Registrar of Co-operative Societies, Cuddalore and another) dated 27.07.2022 and W.P.No.19965 of 2022 (Raja Vs. The Deputy Registrar of Co-operative Societies, Tirupathur and another) dated 05.08.2022*** in support of his contention.

6.Per contra, the learned counsel appearing for the respondent/workman submitted that even as per the reply submitted by the Society under Right to Information Act, the petitioners were employed for more than six months. They have been wrongly disengaged and therefore, the authority under Tamil Nadu Shops and Establishments Act has got jurisdiction to entertain an appeal under Section 41 of the Act. He had further submitted that the writ Court has considered the above said submissions and has held against the management. Hence, he prayed for dismissal of the writ appeals.



W.A(MD).Nos.894 & 895 of 2018

7.Heard both sides and perused the material records.

WEB COPY

8.The present writ appeals have been filed questioning the jurisdiction of the appellate authority under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947 on the ground that the employees have not completed six months of continuous service when they are terminated.

9.As far as the second respondent in WA(MD).No.894 of 2018 (A.Shahul Hameed) is concerned, he claims that he was initially engaged by the society in February 2000 and from then onwards, he is continuously in service. In the counter filed before the appellate authority, the management had admitted that he was temporarily employed on 01.06.2013 as an outside employee to meet the exigency and the said workman has been disengaged on 10.06.2014. Therefore, it is clear that when Mr.A.Shahul Hameed preferred an appeal before the appellate authority, he had completed at least twelve months of service even as per the admitted case of the management.

10.As far as the case of the workman in WA(MD).No.895 of 2018 (Mr.S.Jeyaprakash) is concerned, the management themselves have addressed a communication on 09.06.2014 under the Right to Information Act to the effect that he was appointed on 29.07.2013 and he was terminated on 10.06.2014. Therefore, it is clear that the workman had completed more than ten months of service at the time of filing of the appeal, even as per the case of the management.



W.A(MD).Nos.894 & 895 of 2018

11.In view of the above said deliberations, it is clear that both the employees had requisite number of months of continuous service, namely six months, when they had approached the authority under Section 41 of Tamil Nadu Shops and Establishments Act challenging the termination order. Therefore, the submission made on the side of the appellant that the appellate authority would not have any jurisdiction to entertain the appeal, is not legally sustainable.

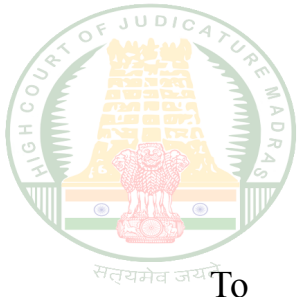
12.In view of the above said factual position which is recorded by the writ Court, we do not find any ground to interfere in the appeal preferred by the management. There are no merits in the writ appeals and they stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(C.V.K.J.,)

(R.V.J.,)

**22.09.2025.**

Index :Yes/No  
Internet :Yes/No  
NCC : Yes/No  
msa



W.A(MD).Nos.894 & 895 of 2018

To  
WEB COPY

1.The Appellate Authority  
Under the Tamil Nadu Shops  
Establishments Act,  
(Deputy Commissioner of Labour)  
Dindigul District



WEB COPY



W.A(MD).Nos.894 & 895 of 2018

**C.V.KARTHIKEYAN,J.  
AND  
R.VIJAYAKUMAR,J.**

msa

Pre-delivery Common Judgment made in  
W.A(MD).Nos.894 & 895 of 2018  
and  
CMP(MD).Nos.5941 & 5767 of 2018

**22.09.2025**