



WP.(MD)No.24239 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.24239 of 2023
and WMP.(MD)No.20411 of 2023

The Management / Administrator,
R 56 Rajapalayam Milk Producers Cooperative
Society Ltd.,
Rajapalayam, Virudhunagar District.

... Petitioner

Vs.

1.S.Sethupathi

2.Joint Commissioner of Labour
(Appellate Authority under the Tamilnadu
Shops and Establishments Act)
Bharathi Ula Road,
Race Course, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records on the file of the second respondent impugned order made in case No.TNSE IA 19/2022 in 13/2022 dated 1-8-2023 and quash the same as illegal.

For Petitioner : Mr.R.Saravanan



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For R1 : Mr.R.Karunanidhi
For R2 : Mr.C.Venkatesh Kumar,
Special Government Pleader.

ORDER

The petitioner is a Milk Producers' Cooperative Society Limited. The first respondent, a casual labourer engaged by the petitioner Society, claiming to have been terminated from service, orally, on 18.07.2022, filed an application before the second respondent / Authority under the Tamil Nadu Shops and Establishments Act. The second respondent, by the order impugned dated 01.08.2023, has allowed the application. Aggrieved over the same, the petitioner / Society has moved this writ petition.

2. According to the petitioner, the first respondent was engaged as casual labour by the elected Board of Directors without following the cadre strength. Therefore, those who have been engaged beyond the cadre strength have been relieved by order dated 05.05.2022 and not on 18.07.2022, as claimed by the first respondent. According to the petitioner, this order dated 05.05.2022 has not been challenged by the first respondent.



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4. The first respondent claiming to have been terminated from service, orally, on 18.07.2022, filed an application before the second respondent, who, after adjudication, has set aside the same that it has been made without conducting proper enquiry and without providing sufficient opportunity of hearing to the first respondent. The petitioner / Society, on the other hand, claims that the first respondent has been terminated by order dated 05.05.2022, since the engagement has been made as against the cadre strength and that the same has not been challenged till date.

5. It appears that the petitioner / Society has also issued a charge memo as against the first respondent on 13.12.2022 for certain lapses noticed during the enquiry u/s.81 of the Tamil Nadu Cooperative Societies Act. It is alleged that the first respondent has caused loss to the tune of Rs.81,113/-. However, the Deputy Registrar, who conducted the enquiry u/s.87 of the Tamil Nadu Cooperative Societies



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Act, has exonerated the first respondent that he cannot be held responsible for the loss.

6.Be that as it may, in view of the stand taken by the petitioner / Society, this Court has perused the order dated 05.05.2022, enclosed in the typedset of papers. No where, it appears that any enquiry was conducted or the concerned persons were put under notice before passing such order. Therefore, this Court is not inclined to entertain this writ petition filed by the petitioner.

7.Accordingly, this writ petition is dismissed. However, the petitioner / Society is at liberty to proceed as per Section 41(1) of the Tamil Nadu Shops and Establishments Act and take a call on this issue. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

The Joint Commissioner of Labour
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