



W.P.(MD)No.30595 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.30595 of 2024

R.Thirunavukarasu

... Petitioner

Vs.

The Management,
A 2954, Thanichiyam Primary Agricultural
Co-operative Credit Society Ltd.,
Ayyankottai Post, Vadipatti Taluk,
Madurai District – 625 221.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the Hon'ble Labour Court, Madurai pertaining to the order dated 02.09.2024 in C.P.No.12 of 2021, quash the same, direct the respondent society to pay the claim amount of Rs.22,10,087/- with interest.



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For Petitioner : Mr.T.Ravichandran

For Respondent : Mr.S.Kumar

ORDER

The petitioner herein, who worked as Secretary of the respondent Society filed an application under Section 33 (C) (2) of “the Industrial Disputes Act, 1947” (hereinafter referred to as “the Act 1947”), before the learned Labour Court at Madurai, claiming certain benefits. The said petition was dismissed by the learned Labour Court by passing the impugned order on the ground that the petitioner herein does not come within the meaning of Workman as defined under Section 2 (s) of the Act, 1947.

2. This Court, having heard the learned counsel for the petitioner and the learned counsel appearing for respondent, is of the considered view that the petitioner being a Secretary of the Co-operative Society has an efficacious remedy under Section 153 of “the Tamil Nadu Co-operative Societies Act, 1983”



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(hereinafter referred to as “the Act 1983”) and the petitioner, without availing such remedy, erroneously approached the learned Labour Court by filing a petition under Section 32 (C) (2) of the Act 1947. In view of the same, whether the petitioner satisfies the definition of Section 2(s) of the Act 1947 or not is a relevant factor and it is for the petitioner to make his claim under Section 153 of the Act 1983 before the Registrar concerned. In view of the same, this Court is not inclined to interfere with the impugned order.

3. Accordingly, this Writ Petition is dismissed. However, it is left open to the petitioner to avail the remedy under Section 153 of the Act 1983, within a period of four weeks from the date of receipt of a copy of this order. In case, if any such revision is filed within the above stipulated time, the concerned Registrar shall entertain the same without reference to the limitation prescribed under the said statute and deal with the same on merits.

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Neutral Citation: Yes / No

Index : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

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