

WEB COPY

WP No. 10365 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 24/9/2026

Pronounced on 30/9/2026

CORAM



Case QR

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 10365 of 2025

CNR:{HCMA010556332025}

AND

W.P.No.36005, 36008 and 36056 of 2025
WMP NOs. 11664, 40259, 40257 and 40302 OF 2025

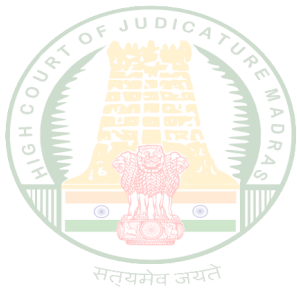
Coimbatore South Sarvodaya Sangh
Rep By Its Secretary,
N Velumsay,
No. 33 New Beemer Agrahram, Dharauram,
Tirupur District 638 656.

..Petitioner(s)

Vs

1. The Appellate Authority
Under The Tamilnadu Shops And
Establishemnts Act 1947 Cum Joint
Commissionre Of Labour,
Coimbatore
2. A.P. Arjunan
S/o. Palanisamy,
Achiyur, Kolinji Vadi Via, Dharapuram
Tirupur District

..Respondent(s)



WEB COPY

WP No. 10365 of 2



WP No. 36008 of 2025



CNR:{HCMA012231682025}

Coimbatore South Sarvodaya Sangh
Rep By Its Secretary,
N.Velusamy
No.33, New Bhimar Agraharam, Dharapuram,
Tirupur District- 638 656.

..Petitioner(s)

Vs

1. The Appellate Authority Under The
Tamil Nadu Shops And Establishments Act
1947 Cum Joint Commissioner Of Labour,
Coimbatore.
2. V.Rajendran
Door No.74, Nethaji Street, K.R.Nagar,
Dharapuram, Tirupur District.

..Respondent(s)

WP No. 36005 of 2025



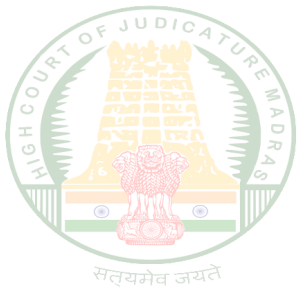
CNR:{HCMA012231692025}

Coimbatore South Sarvodaya Sangh
Rep By Its Secretary,
N.Velusamy
No.33, New Bhimar Agraharam, Dharapuram,
Tirupur District- 638 656.

..Petitioner(s)

Vs

1. The Appellate Authority Under The
Tamil Nadu Shops And Establishments Act
1947 Cum Joint Commissioner Of Labour,
Coimbatore.
2. P.Rajagopal
S/o.Palaniappan, 38/45, Iraichi Masthan Cross
St., Kamarajapuram, Dharapuram, Tirupur
District.



WEB COPY

WP No. 36056 of 2025

CNR:{HCMA012231702025}

WP No. 10365 of 2



Order QR

..Respondent(s)



Case QR

Coimbatore South Sarvodaya Sangh
Rep By Its Secretary,
N.Velusamy
No.33, New Bhimar Agraharam, Dharapuram,
Tirupur District- 638 656.

..Petitioner(s)

Vs

1. The Appellate Authority Under The
Tamil Nadu Shops And Establishments Act
1947 Cum Joint Commissioner Of Labour,
Coimbatore.
2. Karuppusamy
No 313, Upputhurai Palayam Kolinjivadi Post,
Dharapuram Erode

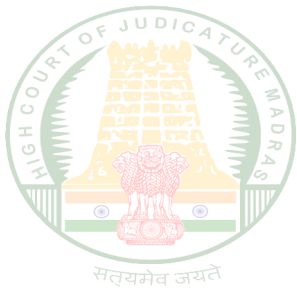
..Respondent(s)

Common Prayer: Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writs of certiorari to call for the records in I.A.Nos.8, 9, 11 and 10 of 2022 in TNSE Appeal Nos.2, 3, 5 and 4 of 2022 passed by the first respondent dated 19/11/2024 and quash the same.

For Petitioner(s): Mr.A.S.Baalaji

For Respondent(s): Mr.K.K.Ram Siddhartha
Additional Government Pleader
for R1
Ms.G.K.Dharshini
for M/s.R.Krishnaswamy
for R.2
(in all the cases)

- - - - -



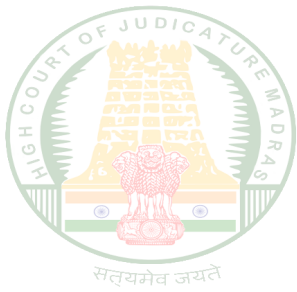
Common Order

WEB COPY

The petitioner is aggrieved by the orders dated passed in I.A.Nos.8, 9, 11 and 10 of 2022 in TNSE Appeal Nos.2, 3, 5 and 4 of 2022 which appeals were filed by the respective second respondent in these writ petitions.

2. The background of the cases are that the second respondent in all the writ petitions were initially employed in the Printing Department of the ginning factory situated at Khadi gramam falling within the Kolathupalayam Village Panchayat. The Management closed down the factory due to losses incurred on 1/1/2001. All the workers including the second respondent in the writ petitions were retrenched. When the retrenchment was questioned before the Labour Court, Salem, vide, order dated 19/11/2023, the Labour Court, Salem, set aside the retrenchment of the second respondent in all the writ petitions and directed the petitioner herein to provide alternate employment in any other existing Units.

3. Pursuant to the said orders of the Labour Court, the second respondent in the writ petitions were provided employment in weaving operation of carpets which Unit was situate at Akkaraipalayam branch. Since the second respondent in all the petitions refused to work in Akkaraipalayam



WEB COPY

branch, a charge memo was issued to all the second respondents. However, it is alleged that all the second respondent have evaded the enquiry deliberately. allegedly evaded the enquiry deliberately. The disciplinary proceedings were set ex parte and they were dismissed from service on 28/11/2014.

4. The second respondent in all the writs, then approached the first respondent Appellate Authority, under the Tamil Nadu Shops and Establishment Act, 1947 and filed appeals after a period of nine years, questioning the dismissal order.

5. The petitioner Management having appeared in the appeals initially filed interim applications on the ground that the proceedings before the first respondent/Appellate Authority cannot be maintained, since the petitioner is a factory and keeping in view the background of the cases, second respondent ought to have approached the Labour Court, under the Industrial Disputes Act, 1947 and the Appeals filed under the Tamil Nadu Shops and Establishment Act, 1947 are not maintainable.

6. By way of the impugned orders, first respondent/Appellate Authority mainly found that since no proof was filed to show that the petitioner was a



factory, as defined under the Factories Act, Appeals filed by the second respondent in the writ petitions, under the Tamil Nadu Shops and Establishment Act, can be maintained.

7. It is not in dispute that prior to the Appeals being filed, the second respondent in the writ petitions were employed in the factory at Khadi gramam, Kolathupalayam Village. After the factory was closed, pursuant to the orders of the Labour Court, the second respondent in the writ petitions were employed in Akkaraipalayam branch by the petitioner herein. The second respondent in all the writ petitions had approached the Labour Court seeking remedy in all the cases.

8. Since the entire issue revolves around the fact that whether petitioner is a factory or not, this Court deems it fit to set aside the impugned orders, dated 19/11/2024. The first respondent is directed to provide an opportunity to the petitioner to prove whether it is a factory or not and thereafter, proceed by passing orders afresh in I.A.Nos.8, 9, 11 and 10 of 2022 in TNSE Appeal Nos.2, 3, 5 and 4 of 2022 filed by the petitioner.

8. Accordingly, these **writ petitions are allowed**, with the above direction. and the impugned orders dated 19/11/2024 passed by the first respondent in I.A.Nos.8, 9, 11 and 10 of 2022 in TNSE Appeal Nos.2, 3, 5 and



4 of 2022 are set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

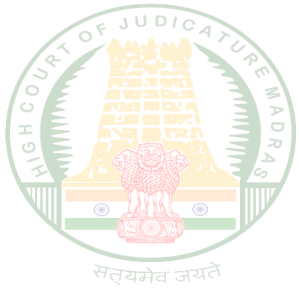
(K.SURENDER,J)
30/9/2026

Neutral Citation: Yes/No

mvs.

To

1. The Joint Commissioner of Labour, Coimbatore.



WEB COPY



WP No. 10365 of 2

Order QR

K.SURENDER J.

mvs.

Pre-delivery common order in
**WP Nos. 10365, 36005, 36008
and 36056 of 2025**

30-09-2026