



W.P(MD)Nos.25324 and 10857 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)Nos.25324 and 10857 of 2022

and

WMP (MD) Nos.19408 & 7812 of 2022, 25967 of 2025

W.P(MD)No.25324 of 2022

The Mangement
M.P.92 Varusanadu Primary Agriculture
Cooperative Credit Society,
Varusanadu Post,
Andipatti Taluk,
Theni District.

... Petitioner(s)

vs.

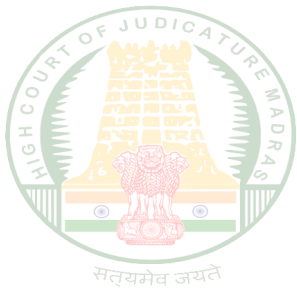
1. The Joint Commissioner of Labour /
Appellate Authority,
Under the Tamilnadu Shops and Establishments Act 1947,
Dindigul.

2.A.Ramakrishnan

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India,

1/12



W.P(MD)Nos.25324 and 10857 of 2022

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praying this court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order made in T.N.S.E. Appeal No. 06/2019 dated 12.09.2022 passed by the 1st respondent and quash the same.

For Petitioner : Mr.P.R.Prithviraj

For R1 : Mr.R.Ramasamy, Counsel for State

For R2 : Mr.C.Pethanaraj

W.P(MD)No.10857 of 2022

The Mangement
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Cooperative Credit Society,
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Andipatti Taluk,
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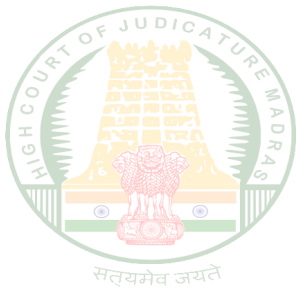
1. The Joint Commissioner of Labour /
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Under the Tamilnadu Shops and Establishments Act 1947,
Dindigul.

2.P.Parthasarathy

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, to call for the records pertaining

2/12



W.P(MD)Nos.25324 and 10857 of 2022

WEB COPY to the impugned order made in T.N.S.E. Appeal No. 04/2019 dated 18.04.2022 passed by the 1st respondent and quash the same.

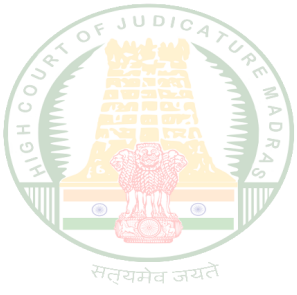
For Petitioner : Mr.P.R.Prithviraj
For R1 : Mr.R.Ramasamy, Counsel for State
For R2 : Mr.Veera Kathiravan, Senior Counsel
for Mr.S.N.Sathishwaran

COMMON ORDER

It is appropriate to commence this order by referring to the Preamble of the Tamil Nadu Shops and Establishments Act, 1947, which reads thus:

“An Act to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments, and for certain other purposes.”

2.The Preamble indicates the legislative intent behind the enactment. The Act is a welfare legislation intended to regulate the conditions of work of employees in shops and commercial establishments where such conditions are not otherwise governed by a special statutory regime. The object of the enactment is



W.P(MD)Nos.25324 and 10857 of 2022

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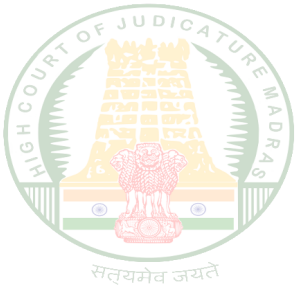
not to create a parallel disciplinary code overriding every other special statute, but to regulate employment in establishments falling within its ambit.

3. Since the issue involved in both the writ petitions is one and the same, they were heard together and are being disposed of by this common order.

4. The brief facts leading to the filing of the writ petition are as follows:

4.1. The petitioner Society is a Co-operative Society governed by the provisions of the Tamil Nadu Co-operative Societies Act, the Rules framed thereunder and its Special Bye-laws, which regulate the service conditions of its employees.

4.2. The second respondents in the both writ petitions, while working as Secretary-in-Charge/Cashier-in-Charge, committed several acts of financial irregularities and misappropriation and hence, an enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act was ordered by the Deputy Registrar of Cooperative Societies.



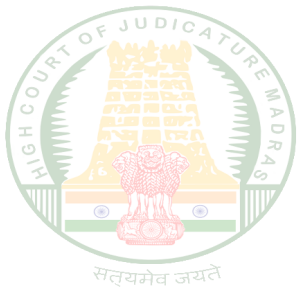
W.P(MD)Nos.25324 and 10857 of 2022

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4.3. The Section 81 Enquiry Officer, after conducting a detailed enquiry in which the second respondent participated, found the charges to be substantiated and recommended disciplinary, surcharge and criminal proceedings. Based on the enquiry report, the respondent was placed under suspension and a charge memo was issued. Since the explanation submitted by the second respondent was found unsatisfactory, a domestic enquiry was conducted by following the principles of natural justice.

4.4. The Enquiry Officer held the major charges proved. After furnishing the enquiry report, issuing show cause notices, affording personal hearing and considering the respondent's explanation, the disciplinary authority independently accepted the findings and dismissed the second respondent from service.

4.5. Aggrieved by the order of dismissal, the second respondent, instead of availing the statutory remedy of revision under Section 153 of the Tamil Nadu Cooperative Societies Act, preferred an appeal before the appellate authority under the Tamil Nadu Shops and Establishments Act. The appellate



W.P(MD)Nos.25324 and 10857 of 2022

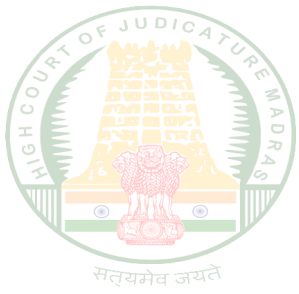
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authority allowed the appeal and directed reinstatement with continuity of service and back wages.

4.6. Assailing the said order as being contrary to the provisions of the Tamil Nadu Cooperative Societies Act and the Special Bylaws governing the Society, the present writ petitions have been filed.

5. According to the learned counsel for the petitioner, once the service conditions of the employees are governed by the provisions of the Co-operative Societies Act, the Rules and the Special Bye-laws, an appeal under Section 41 of the Shops and Establishments Act is not maintainable. The petitioner further contended that the Society is exempted under Section 4(1)(f) of the Tamil Nadu Shops and Establishments Act. The issue is no longer *res integra* and stands concluded by the judgment of the Division Bench of this Court in W.A.No.707 of 2026 dated 18.03.2026. The relevant portions of the judgment read as follows:

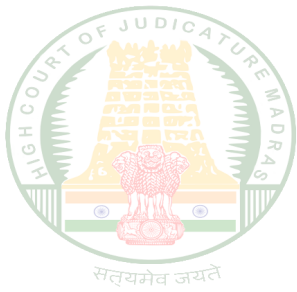
“12. In view of Section 4(1)(f), if any establishment is governed by a separate law for the time being in force in the State, the Tamil Nadu Shops and Establishments Act would not apply. In the



W.P(MD)Nos.25324 and 10857 of 2022

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present case, admittedly, the appellant Co-operative Bank is registered under the provisions of the Tamil Nadu Co-operative Societies Act and the Tamil Nadu Cooperative Societies Act is a comprehensive Act, which provides provisions regulating the service conditions of the employees of the Co-operative Societies/ Co-operative Banks. Under the provisions of the Tamil Nadu Cooperative Societies Act, the special bylaw of each Co-operative Bank has been approved by Registrar/ competent authority under the Act. Thus, the Tamil Nadu Cooperative Societies Act as well as the Special bye laws as approved by the competent authority alone would apply in respect of the employees serving in the Cooperative Bank. Once such instance under the Co-operative Societies Act is that, the application of Gratuity Act and Provident Fund Act are excluded, specifically under Sections 78 and 79 of the Act if such schemes are provided under the bye-laws of the Society. Similarly, the procedures for departmental disciplinary proceedings are approved in the Special bye law and the said special bye law alone would apply in respect of the disciplinary proceedings initiated against the employees of the Co-operative Bank registered under the Cooperative Societies Act.”

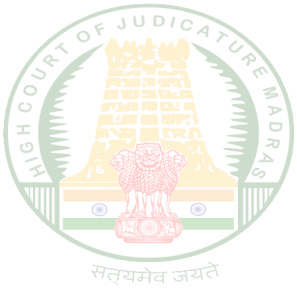


W.P(MD)Nos.25324 and 10857 of 2022

WEB COPY

6. In the aforesaid judgment, this Court has categorically held that, in view of the exemption under Section 4(1)(f), the provisions of the Tamil Nadu Shops and Establishments Act would not apply to Co-operative Societies whose service conditions are regulated under the Tamil Nadu Co-operative Societies Act and the Special Bye-laws framed thereunder. Accordingly, the petitioner prayed for allowing the writ petition.

7. Per contra, learned Senior Counsel appearing for the second respondent submitted that, notwithstanding the existence of service regulations under the Co-operative Societies Act, the Appellate Authority under the Shops and Establishments Act has jurisdiction to entertain the appeal. Reliance was placed upon the judgment of the Hon'ble Supreme Court in ***K.A.Annamma v. Secretary, Cochin Cooperative Hospital Society Limited*** reported in (2018) 2 SCC 729, to contend that the Appellate Authority was competent to entertain the appeal. Learned Senior Counsel also relied upon the circular dated 27.08.1990 issued by the Registrar of Cooperative Societies with regard to the applicability of appropriate provisions of the labour laws and the Tamil Nadu Cooperative



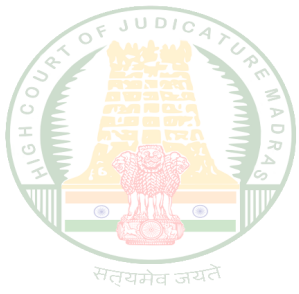
W.P(MD)Nos.25324 and 10857 of 2022

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8. In reply, learned counsel for the petitioner submitted that the decision in ***K.A.Annamma's*** case is distinguishable and applies only in the context of industrial disputes. The very same judgment was considered by the Division Bench of this Court, which, after an elaborate discussion, held that the Appellate Authority under the Tamil Nadu Shops and Establishments Act has no jurisdiction in matters concerning employees of Co-operative Societies whose service conditions are governed by the Tamil Nadu Co-operative Societies Act, the Rules and the Special Bye-laws.

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

10. The short question that arises for consideration is whether an employee of a Co-operative Society, whose service conditions are admittedly governed by the Tamil Nadu Co-operative Societies Act, the Rules framed thereunder and the approved Special Bye-laws, can invoke the appellate remedy

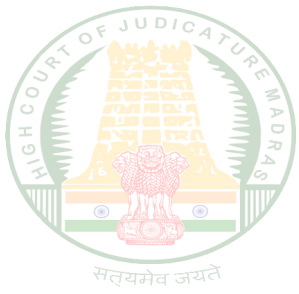


W.P(MD)Nos.25324 and 10857 of 2022

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11. This Court is of the considered view that the impugned orders cannot be sustained. The Preamble to the Tamil Nadu Shops and Establishments Act makes it clear that the enactment is a general welfare legislation intended to regulate the conditions of work in shops and commercial establishments. Simultaneously, the Legislature, by incorporating Section 4, has consciously excluded certain establishments from the purview of the Act. In particular, Section 4(1)(f) exempts establishments whose service conditions are governed by a separate law in force. The Division Bench of this Court in W.A. No.707 of 2026 has categorically held that the Tamil Nadu Co-operative Societies Act, the Rules framed thereunder and the approved Special Bye-laws constitute a complete code governing the service conditions of employees of Co-operative Societies and therefore, the provisions of the Tamil Nadu Shops and Establishments Act, including the appellate remedy under Section 41, are inapplicable. Admittedly, the petitioner Society is governed by the said statutory framework. Hence, the Appellate Authority lacked jurisdiction to entertain the appeals. The reliance placed on ***K.A.Annamma*** is misconceived, as the said decision arose in a

10/12



W.P(MD)Nos.25324 and 10857 of 2022

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different statutory context and does not dilute the exemption contained in Section 4(1)(f). Accordingly, the impugned orders are liable to be set aside.

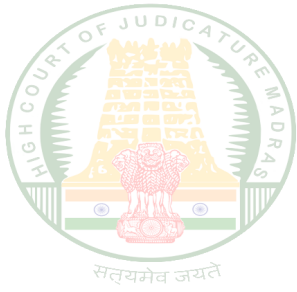
12. In view of the above, the impugned orders, dated 12.09.2022 and 18.04.2022, passed by the first respondent are hereby set aside and the writ petitions are allowed. However, liberty is granted to the second respondent to work out the remedy before the appropriate authority under Section 153 of the Tamil Nadu Co-operative Societies Act. The period during which the proceedings remained pending before this Court shall stand excluded for the purpose of computing limitation. No costs. Consequently, the connected miscellaneous petitions are closed.

15.07.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/No
PKN

To
The Joint Commissioner of Labour /
Appellate Authority,
Under the Tamilnadu Shops and Establishments Act 1947,
Dindigul.

11/12



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W.P(MD)Nos.25324 and 10857 of 2022

M.DHANDAPANI,J.

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**ORDER MADE IN
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DATED : 15.07.2026

12/12