



WP(MD)No22004 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.22004 of 2022
and
W.M.P.(MD) No.16166 of 2022

P.Saravanan

... Petitioner

/vs./

1.The Commissioner of Police,
Commissioner Office Building,
Madurai City,
Madurai District.

2.The Inspector of Police,
B1 Vilakathoon Police Station,
Vilakathoon,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 and 2 herein from interfering with the petitioner's running of his eatery name Saravana Chettinad Mess, functioning at Door Nos.220 and 224, Keezha Veli Veethi, Madurai District -1 during late night hours.



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For Petitioner : Mr.S.Rajasekar
For Respondents : Mr.R.Sivakumar
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed to forbear the Respondents 1 and 2 from interfering with the Petitioner's Eatery, namely, Saravana Chettinad Mess, situated at D.Nos.220 and 224, Keezha Veli Veethi, Madurai District -1 during late night hours.

2.When the case came up for hearing, the learned Government Advocate (Crl.side) for the Respondents would submit that in the Government Order in G.O.Ms.No.61, Labour Welfare and Skill Development (K23), dated 02.06.2022, the following instructions were given:-

“1.Every employee shall be given one day holiday in a week on rotation basis and the details of every employee shall be provided in 'Form S' added to the Tamil Nadu Shops and Establishments Rules, 1948 and shall be exhibited by the employer in a conspicuous place in the establishments.

2.Every employer shall exhibit details of the employee, who are on holiday/leave, on daily basis, in a conspicuous place in the establishments.



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3.The wages including overtime wages of the employees shall be credited to their savings bank account.

4.An employer shall not require or allow any person employed to work therein for more than eight hours in any day and forty eight hours in any week and the period of work including over time shall not exceed ten and a half hours in any day and fifty seven hours in a week.

5.If employees are found working on any holiday or after normal duty hours without proper indent of overtime, penal action will be initiated against the employer/manager as laid down in the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) and the Tamil Nadu Shops and Establishments Rules, 1948.

6.Women employees shall not be required to work beyond 08.00 pm., on any day in normal circumstances.

Provided that the employer after obtaining written consent of the women employees shall allow them to work between 08.00 pm., and 06.00 pm., subject to providing adequate protection of their dignity, honour and safety.

7.Transport arrangements shall be provided to the women employee who works in shifts. A notice to this effect shall be exhibited at the main entrance of the establishment indicating the availability of transport.

8.The employees shall be provided with restroom, wash room, sfety lockers and other basic amenities.

9.Every employer employing women employees shall constitute Internal Complaints Committee against sexual harassmt of women under the Sexual Harassment of Women at work place (Prevention, Prohibition and



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Redressal) Act, 2013 (Central Act 14 of 2013) and the said Committee shall be operative.

10.The above said terms and conditions shall be treated and implemented in addition to those provisions specified in the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) and the Tamil Nadu Shops and Establishments Rules, 1948.

11.In the case of violation of any statutory provision or any of the above terms and conditions noticed by the Inspector or otherwise, necessary penal action will be initiated against the employer/manager as laid down in the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) and the Tamil Nadu Shops and Establishments Rules, 1948.”

3.Here, the learned Government Advocate (Crl.side) would submit that only 5 persons were found working in the establishment and their salary should be paid through Banks only. It was also found that the Eatery, namely, “Saravana Chettinad Mess”, which situates at D.Nos.220 and 224, Keezha Veli Veethi, Madurai District-1, is not functioning as per the provisions of the Tamil Nadu Shops and Establishments Rules, 1948. Therefore, the relief sought for by the Writ Petitioner in this Writ Petition cannot be granted.



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4. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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SATHI KUMAR SUKUMARA KURUP, J.

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