



W.A.(MD)No.1650 of 2024

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 27.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MRS.JUSTICE VICTORIA GOWRI**

**W.A.(MD)No.1650 of 2024
and C.M.P(MD)No.12953 of 2024**

The Management,
O.265 Thenthiruperai
Primary Agricultural Co-operative Credit Society,
Thenthiruperai,
Tuticorin District
Rep. by its Secretary ... Appellant/Writ Petitioner

vs.

1. The Presiding Officer,
Labour Court,
Tirunelveli.

2.K.Perumal ... Respondents/Respondents

PRAYER: Writ Petition filed under Clause 15 of the Letters Patent challenging
the order dated 10.06.202`3 made in W.P.(MD)No.22303 of 2015.

For Appellant : Mr.SRA Ramachandran
Additional Government Pleader

For R2 : Mr.V.Rajiv Rufus



W.A.(MD)No.1650 of 2024

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J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

The Co-operative Society is on appeal. Challenge is to the order of the writ court directing payment of salary for the period during which the 2nd respondent was not allowed to work by the appellant society and the central cooperative bank to which he was deputed.

2. The employee has approached the Labour Court. The Labour Court, upon consideration of the evidence, came to the conclusion that the employee was not allowed to work by the appellant society and the central co-operative bank to which he was deputed. The writ court has also affirmed the conclusion of the Labour Court. The writ court has also referred to the proceedings, particularly, the correspondence between the two institutions namely, the appellant society and the management of the Tuticorin District Central Cooperative Bank Limited to come to the conclusion that the employee remained out of employment only because of inaction on the part of the two institutions.

3. In view of the said conclusion, we do not think we can test the



W.A.(MD)No.1650 of 2024

correctness of the same, particularly, in an appeal filed against the order passed under Article 226 of the Constitution of India. Once it is found that the employee was not allowed to work, the liability to pay the salary attaches to the employer automatically. Therefore, we see no reason to interfere with the order of the learned single Judge. The Writ Appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.)

(L.V.G., J.)

27.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
CM

To
The Presiding Officer,
Labour Court,
Tirunelveli.

3/4



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W.A.(MD)No.1650 of 2024

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