



WEB COPY

W.A.No. 562 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 562 of 2025

Serpadi Primary Agricultural
Co-operative Credit Society,
Represented by its Secretary, A.Jaisankar,
C.2490, Odukatthur Village and Post,
Odukatthur, Vellore District - 632 103.

... Appellant

Vs.

1.Appellate Officer,
under Tamilnadu Shops and Establishments Act, 1947,
The Office of the Joint Commissioner of Labour,
Vellore.

2.S.Kathirvelu

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 14.03.2024 made in W.M.P.No.2715 of 2024 in W.P.No.34118 of 2023.

For Appellant : Mr.P.Kumaresan
Additional Advocate General assisted by
Mr.P.Ganesan, Govt. Advocate

For Respondents : Mr.S.John J.Raja Singh
Additional Govt. Pleader for R1
Mr.S.N.Ravichandran for R2



WEB COPY

W.A.No. 562 of 2



J U D G M E N T

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

Challenge is to the interim order granted by the writ Court in a proceeding that arose out of an appeal under the Tamilnadu Shops and Establishments Act, 1947.

2.The Appellate Authority under the Tamilnadu Shops and Establishments Act, 1947 by its order dated 17.08.2022 directed reinstatement of the respondent with all benefits. It is this order, which is subject matter of challenge in the writ petition.

3. By virtue of the provisions of Section 41-A of the Tamilnadu Shops and Establishments Act, 1947, the workman is entitled to full wages, pending proceedings in the High Court. The only precondition is that he should not be gainfully employed elsewhere. Taking note of the above provision, the learned single Judge had issued directions to the Employer to deposit 25% of the total arrears of wages along with a direction to pay the last drawn wages of Rs.7,312/- per month.



WEB COPY

4. As regards the arrears of salary, we do not see any grievance, since the order is only for depositing the same to the credit of the writ petition.

As regards payment of last drawn wages, it is covered by the statutory provision and unless it is shown by the Employer that the Employee gainfully employed elsewhere, the benefit of Section 41-A cannot be denied.

We therefore, do not find any reason to interfere with the order of the learned single Judge. This Writ Appeal is therefore, **dismissed**. No costs.

We request the learned single Judge to expedite the hearing of the writ petition.

(R.S.M., J.) (G.A.M., J.)
28.02.2025

kkn

Index: No
Speaking order
Neutral Citation : No



WEB COPY

W.A.No. 562 of 2



R.SUBRAMANIAN, J.
and
G. ARUL MURUGAN, J.
KKN

To:

1.Serpadi Primary Agricultural Co-operative Credit Society,
Represented by its Secretary, A.Jaisankar,
C.2490, Odukatthur Village and Post,
Odukatthur, Vellore District - 632 103.

2.Appellate Officer,
under Tamilnadu Shops and Establishments Act, 1947,
The Office of the Joint Commissioner of Labour,
Vellore.

W.A.No. 562 of 2025

28.02.2025