



WP(MD)No.20039 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.20039 of 2021 and
WMP(MD)No.16740 of 2021**

Management,
Pandiya Vellar Madam,
No.13, Gandhi Road,
Palani, Dindigul District.

...Petitioner

Vs

1.The Authority,
[The Joint Commissioner of Labour],
The Joint Commissioner of Labour Office,
Dindigul, Dindigul District.

2.S.Selvaraj

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records relating to the impugned order dated 18.01.2021 in PWA.No.5 of 2017 passed by the 1st respondent and quash the same.

For Petitioner : Mr.Rajesh Saravanan.B

For Respondent : Mr.S.Vinodh
No.1

For Respondent : Mr.D.Shanmuga Raja Sethupathi
No.2



WP(MD)No.20039 of 2021

ORDER

WEB COPY

The petitioner management has filed this writ petition challenging the order passed by the 1st respondent on the application filed by the 2nd respondent under the Payment of Wages Act. The 2nd respondent claiming to be an employee of the petitioner management has filed an application before the 1st respondent under Section 15(2) of the Payment of Wages Act seeking salary for the month of May 2017. The 1st respondent entertained that application in PWA.No.5 of 2017 and allowed the same by order dated 18.01.2021, directing the management to pay the wages payable to the 2nd respondent as claimed by him. Aggrieved over the same, the petitioner management has filed this writ petition.

2.The learned counsel for the petitioner by referring to the orders passed by this court in CRP(MD)No.1025 and 1026 of 2017 dated 06.06.2017 submits that as against the 2nd respondent and other employees of the petitioner madam, civil suits were filed before the District Munsif Court, Palani in OS.No.136 of 2016 and the District Munisif Court granted an interim injunction to make an appointment by



WP(MD)No.20039 of 2021

the petitioner management vide order dated 20.01.2017, in IA Nos.539 and 540 of 2016. Challenging the same, the 2nd respondent one of the defendants in the said suit has filed appeals before the Additional Sub Court, Dindigul in CMA Nos.12 and 13 of 2017 and the appeals were dismissed by order dated 03.04.2017. The defendants have also preferred Civil Revision Petitions before this court as against the orders passed in CMA.Nos.12 and 13 of 2017 in CRP(MD)Nos.1025 and 1026 of 2017 and the same were dismissed by this Court by order dated 06.06.2017. Therefore, according to the learned counsel, the 2nd respondent was not employed during the month of May 2017. When there is a specific injunction in operation as against the 2nd respondent defendant in OS.No.136 of 2016, the claim of the 2nd respondent for payment of wages for the month of May 2017 does not arise and the 1st respondent authority without considering the same has allowed the application in PWA.No.5 of 2017 filed by the 2nd respondent in a mechanical manner.

3. On the side of the respondents, it is contended that the 1st respondent authority by considering the claim of the 2nd respondent and the documents produced on either side, has directed the petitioner to pay the salary for the said period. Therefore, there is no reason to interfere



WP(MD)No.20039 of 2021

with the said order.

WEB COPY

4.This court has considered the rival submissions made.

5.The claim of the 2nd respondent before the 1st respondent is for payment of salary for the month of May 2017 and admittedly the management has filed civil suit as against the 2nd respondent and others before the District Munsif Court, Palani in OS.No.136 of 2016 and has also obtained an order of injunction in IA.Nos.539 and 540 of 2016 dated 20.01.2017 restraining the petitioner madam from making any appointment. This order of injunction is also confirmed by the Additional Sub Court, Dindigul in civil miscellaneous appeals and also by this court in civil revision petitions. While so this Court is of the view that the order passed by the 1st respondent is not proper and without application of mind and therefore, the same is liable to be set aside. Accordingly, this writ petition is allowed. The impugned order is set aside. No costs. Consequently connected miscellaneous petition is closed.

05.11.2025



WP(MD)No.20039 of 2021

DSK

WEB COPY

To

The Authority,
[The Joint Commissioner of Labour],
The Joint Commissioner of Labour Office,
Dindigul, Dindigul District.



WEB COPY



WP(MD)No.20039 of 2021

B.PUGALENDHI.J.,

DSK

WP(MD)No.20039 of 2021

05.11.2025