



W.P.(MD) No.21241 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.21241 of 2019
and W.M.P.(MD)Nos.17905 of 2019 and 1199 of 2020

Riverside Innovations,
Rep. by its Partner Cum Director,
Mr.Mayil Samy, Mangal Mall,
Opposite to Rajaji Park,
Tuticorin.

... Petitioner

Vs.

1.Joint Commissioner of Labour,
Authority Under Payment of Wages,
Thirunelveli.

2.J.S.Dhilip Chandran

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to I.A.No.1 of 2019 in P.W.22 of 2018 dated 05.08.2019 on the file of the Authority appointed under Payment of Wages Act, Tiruneleveli and quash the same.



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For Petitioner : Mr.K.K.Samy

For Respondents : Mr.R.Ragavendran,
Govt. Advocate for R1
Mr.T.Pon Ramkumar for R2

ORDER

This Writ Petition has been filed aggrieved by an order dated 05.08.2019 passed in I.A.No.1 of 2019 in P.W.22 of 2018 passed by the respondent No.1, whereby, the respondent No.1, directed the petitioner to produce certain records at the instance of the respondent No.2 herein.

2. The learned counsel for the petitioner contended that respondent No.1 ought not to have taken the petition filed by respondent No.2 herein in the absence of production of a pay slip, as the same is pre-requisite for taking any claim under Payment of Wages Act. He also further contended that the respondent No.2 herein has only worked on commission basis in the petitioner establishment and he was never permanent employee of the petitioner. Whether the action of the respondent No.1 in taking on file the

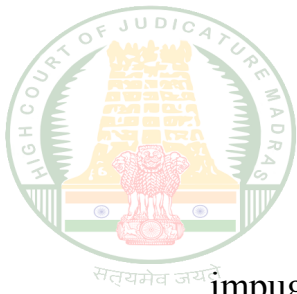


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petition filed by the respondent No.2 without there being any pay slip enclosed is correct or not cannot be the subject matter of the present Writ Petition. If the petitioner has taken such a plea in the counter filed before the respondent No.1, the respondent No.1 is expected to decide the same, while disposing of the ID. Admittedly, the petitioner has not filed any interlocutory application to decide the said issue as a preliminary issue. This Writ Petition is directed against an interlocutory order passed in an application filed by the respondent No.2 herein.

3. From the perusal of the impugned order, it is evident that the records that were directed to be produced by the petitioner herein are all the records that would be regularly maintained by the petitioner herein such as Muster Roll, P.W.Register, ledger, cash book, voucher, etc. If the stand of the petitioner herein contending that the respondent No.2 herein is only working on commission basis is correct, the same can be established by producing the documents that are now directed to be produced under the impugned order. Similarly, the truth or otherwise the stand of the respondent No.2 herein also can be ascertained from the records that are directed to be produced under the



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impugned order. In the considered view of this Court, no prejudice would be caused to the petitioner herein, in case, if such records are produced and on the other hand, this Court is of the considered view that such records are much useful for the petitioner as well as the respondent No.2 and also enable the respondent No.1 to dispose of the main case in an effective manner.

4. In the circumstances, this Court does not find any merit in the Writ Petition and the same is accordingly dismissed. Considering the fact that the proceeding before the respondent No.1 has been stayed because of the order of interim stay passed by this Court for all these years, the respondent No.1 is directed to dispose of the proceeding as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

24.04.2025

NCC : Yes/No
Index : Yes/No

vsm



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To
Joint Commissioner of Labour,
Authority Under Payment of Wages,
Thirunelveli.



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MUMMINENI SUDHEER KUMAR, J.

vsm

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