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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.26555 of 2024
and
W.M.P(MD)No.22515 of 2024

The Management,
Madura Coats Private Limited,
Papavinasam Mill Post - 627 422,
Ambasamudram,
Tirunelveli District.

...Petitioner

Vs

R.Paulvannan

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorari**, call for the records of the Labour Court, Tirunelveli, pertaining to the order dated 30.09.2024, in C.P.No.34 of 2021, quash the same as illegal.

For Petitioner : Mr.T.Ravichandran

For Respondent : Mr.S.Kumar

* * * * *



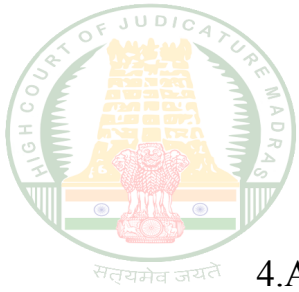
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ORDER

The present writ petition has been filed by the Management of a Private Company challenging the order passed by the labour Court, Tirunelveli, in C.P.No.34 of 2021.

2.The respondent herein who was working as a Slider in the petitioner spinning mill was placed under suspension by an order dated 08.03.2019. The suspension order was revoked on 31.05.2019. At the time of revoking the order of suspension, the Management has passed orders that 30 days of suspension would be treated as a substantive punishment. The trade Union as well the Management have entered into 12(3) settlement on 31.12.2019, wherein the Management has agreed to pay 15 days wages for the substantive punishment period of 30 days.

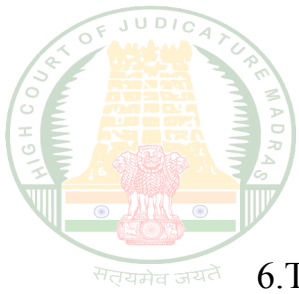
3.The petitioner has again placed under suspension on 11.06.2019, and the suspension was revoked on 31.01.2020. As per the revocation order, 30 days period of suspension was treated as a substantive punishment.



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4. At the time of disbursing the bonus, the Management has excluded the period during which the workman was placed under suspension. The Management has taken into consideration only 15 days for which salary was paid under the 12(3) settlement, dated 31.12.2019. Expressing the said grievances, the workman has approached the labour Court and filed C.P.No.34 of 2021, for payment of bonus for the period during which he was placed under suspension. The labour Court after considering the submission on either side has proceeded to pass an award on 30.09.2024, directing the Management has to pay a sum of Rs.16,225/- along with 9% interest from the due date. The said order is under challenge in the present writ petition.

5. According to the learned Counsel appearing for the writ petitioner, during the period of suspension, the workman was not paid wages or any allowances. As per the Section 2(21) of the Payment of Bonus Act, 1965, the bonus has to be calculated only on the basis of wages paid. When the workman has not received any wages or allowances, the question of calculating that period for the purpose of disbursement of bonus is not correct.



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6.The learned Counsel appearing for the writ petitioner has further submitted that during the period of suspension, workman has received only subsistence allowance and the same cannot be treated as wages. The workman was placed under suspension between 08.03.2019 and 31.05.2019, in the first phase. The workman was again placed under suspension between 11.06.2019 and 31.01.2020, in the second phase. Out of this suspension period, only 15 days period was regularised and salary was paid by the Management. This 15 days period was taken into consideration for disbursement of bonus. For the rest of the period during which the workman was under suspension, the workman is not entitled to receive any bonus.

7.The learned Counsel appearing for the writ petitioner has further submitted that when the wages/salary was not paid to the workman and he has also undergone punishment, the said period cannot be taken into consideration for any purpose including payment of wages. He has further pointed out that bonus has to be calculated only on the wages not on the allowances that are paid to the workman.



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8.Per contra, the learned Counsel appearing for the respondent/workman has submitted that as per the proviso to Rule 17(4)(c) of the Tamil Nadu Industrial Employment (Standing Orders) Rules, 1947, the Management cannot place the workman under suspension beyond a period of 30 days. In case, if the workmen is placed suspension beyond a period of 30 days, for the remaining period, the workmen is entitled to wages as he could have received, if he had not been placed under suspension. In such circumstances, the workman was placed under suspension between 08.03.2019 and 31.05.2019. Out of this suspension period, only 30 days period was imposed as a substantive punishment. The balance period should be treated as duty period and the wages should have been paid and the bonus should have been calculated on the said wages.

9.The learned Counsel appearing for the respondent/workman has further submitted that the workman was placed under suspension during the second phase between 11.06.2019 and 31.01.2020. Out of this period, 30 days suspension period was imposed as a substantive punishment. Therefore, for the balance period, wages should have been paid and the bonus should have been calculated. Therefore, according to him, non-payment of wages for the balance



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period of suspension is a fault on the part of the Management. The Management cannot take advantage of their own fault and later contend that since the wages have not been paid, the workman is not entitled for bonus for the said period.

10.I have considered the submissions made on either side and perused the materials available on record.

11.The submission made on either side would clearly indicate that the workman was placed under suspension under two phases. As far as the first phase between 08.03.2019 and 31.05.2019 is concerned, the workman was imposed with a substantive punishment of 30 days. Out of this period, the Management has agreed to pay 15 days wages under the 12(3) settlement on 31.12.2019. Therefore, excluding the period of suspension of 15 days, for the rest of the period of 08.03.2019 and 31.05.2019, the workman is not only entitled to wages but also entitled to calculate the said period for the purpose of getting bonus.



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12.As per the second phase of suspension period between 11.06.2019 and 31.01.2020 is concerned, 30 days substantive punishment imposed upon the workmen. Therefore, for the balance period, the workman is entitled to wages and he is also entitled to calculate the same for the purpose of reckoning the bonus.

13.As rightly contended by the learned Counsel appearing for the petitioner Management, as per the Section 2(21) of the Payment of Bonus Act, 1965, “salary or wage” shall not include any other allowance which the employees is for the time being entitled to. Therefore, the bonus has to be calculated based upon the definition of salary as contemplated under Section 2(21) of the Payment of Bonus Act, 1965.

14.In view of the above said deliberations, this Court is of the considered opinion that the labour Court has rightly arrived at a conclusion that the workman is entitled to receive a sum of Rs.16,225/- (Rupees Sixteen Thousand Two Hundred and Twenty Five only) as Bonus.



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15. There are no merits in the Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

09.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

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To

The learned Judge,
Labour Court, Tirunelveli.

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