



W.A(MD)No.58 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD)No.58 of 2026
and
C.M.P(MD)No.695 of 2026
and
C.M.P(MD)No.3324 of 2026**

M/s.Meyer Organic Private Limited,
Rep.by its authorized signatory,
Mr.V.Gopal,
A303, Road No.32, Vaikal Estate,
Thane-400 604.

... Appellant

vs.

1.The Deputy Labour Commissioner,
The Appellate Authority/Deputy Labour Commissioner,
(Under the Tamil Nadu Shops and Establishment Act),
O/o.The Deputy Labour Commissioner,
Trichy-620 006.

2.Thiru K.R.Balaji

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 01.09.2025 in W.P(MD)No.22975 of 2019 pending disposal of this writ appeal.



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For Appellant : Mr.Leelash Sundaram
for M/s.Nathan and Associates
For R1 : Mr.D.Sasikumar
Additional Government Pleader

JUDGMENT

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner in W.P(MD)No.22975 of 2019 has filed the present writ appeal challenging the dismissal of the writ petition by an order dated 01.09.2025.

2. The writ petition was filed challenging the order passed by the Deputy Labour Commissioner under Tamil Nadu Shops and Establishment Act, 1947, whereby the order of termination of the second respondent was set aside.

3. The second respondent was working as Regional Sales Manager in the petitioner company. He was terminated from service for certain irregularities by an order dated 22.07.2014. Aggrieved by the said termination, the second respondent filed an appeal before the Appellate Authority under Tamil Nadu Shops and Establishment Act, 1947. The petitioner raised an objection contending



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that the second respondent was working in a managerial capacity performing the administrative functions and, therefore, would not fall within the purview of the Tamil Nadu Shops and Establishment Act, 1947. However, the Deputy Labour Appellate Authority, ignoring the objections, set aside the order of termination.

4. Challenging the same, the petitioner filed a writ petition before this Court reiterating the very same objections. In particular, reliance was placed on the judgement of the Hon'ble Supreme Court of India in the case of ***Spic Pharmaceuticals Division Vs. Authority under Section 48(1) of A.P.Shops and Establishments Act, 1988 and another***, reported in ***(2007) 2 Supreme Court Cases 616***. However, the learned Single Judge, having found that the judgment of the Hon'ble Supreme Court had decided the issue relating to jurisdiction without going into the merits of the matter, dismissed the writ petition solely on the ground that the order passed on 22.01.2025 had not been complied with by the writ petitioner.

5. We have perused the entire materials on record and find that the order relied upon in W.P.No.8470 of 2010, dated 22.01.2025 is no way connected to the



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present case and relates to a different matter. Though much emphasis was placed by the learned counsel for the respondents that a similar application had also been filed in W.M.P(MD).No.7817/2025, wherein the learned Single Judge directed the authorities to pay the last drawn wages to the second respondent herein, within a period of four weeks, the said order was not complied with and, therefore, the writ petition was dismissed.

6. According to the learned counsel for the petitioner, the procedure contemplated under Section 41-A has to be mandatorily followed, which has not been done, and hence the learned Single Judge was right in dismissing the writ petition. The learned Single Judge not relied upon the order passed in W.M.P(MD)No.7817 of 2025 in W.P(MD)No.22975 of 2019, wherein reliance was placed upon another writ petition and the writ petition came to be dismissed mechanically.

7. Be that as it may, even the order produced before us in W.M.P(MD)No. 7817 of 2025 dated 24.04.2025 appears to have been passed ex-parte. Even before passing any order, full wages last drawn by the employee during the



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pendency of the proceedings may be directed to be paid, provided it is shown that the employee has not been gainfully employed in any establishment during such period. According to the appellant, the respondent was already gainfully employed in another establishment during the relevant period. Therefore, the appellant ought to have been given an opportunity to establish the said fact before the learned Single Judge.

8. In view of the above circumstances, we are of the view that the learned Single Judge dismissed the writ petition by relying upon an order passed in some other case. Therefore, the matter requires reconsideration.

9. Accordingly, the impugned order is set aside and the matter is remitted back to the learned Single Judge for fresh consideration. The learned Single Judge is requested to dispose of the writ petition on merits and, while doing so, also decide the application filed under Section 41 of the Tamil Nadu Shops and Establishments Act 1947 after affording an opportunity to the writ petitioner.



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WEB COPY 10. In view of the above, the writ appeal is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

[N.S.K.,J.] [M.J.R.,J.]
12.03.2026

NCC : Yes / No
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To

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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

am

ORDER MADE IN
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DATED : 12.03.2026