

In Re: M.L. Dalmia

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Court : Chennai

Decided On : Jul-11-1951

Reported in : AIR1952Mad197; (1951)2MLJ525

Judge : Somasundaram, J.

Acts : Madras Shops and Establishments Act, 1947 - Sections 7 and 9

Appeal No. : Criminal Revision Case No. 1321 and Criminal Revision Petition No. 1249 of 1950

Appellant : In Re: M.L. Dalmia

Advocate for Pet/Ap. : S.K.L. Ratan, Adv.; State Prosecutor

Disposition : Petition dismissed

Judgement :

ORDER

Somasundaram, J.

1. The main contention of the learned Advocate for the petitioner is that the words 'subject to the provisions of this Act' in Section 9 must be read with Section 7 of the Act and therefore if the workman works for the extra period of 15 minutes mentioned in Section 7, no extra wages need be paid. I am unable to agree with this contention. Section 7 deals only with the time to be taken for serving a waiting

customer, if he happens to come to the shop at about the closing time allowed by law. It is an indulgence granted for the advantage of the employer. But Section 9 deals with extra wages to be paid to the workmen when they work for more than 8 hours a day. Undoubtedly for the 15 minutes allowed to the employer to serve a waiting customer if the workman works and if it is beyond the 8 hours of his work then he is certainly entitled to extra wages for that brief period of 15 minutes. Failure to pay for this extra period constitutes an offence. The conviction is therefore correct and the fine is not excessive. The petition is dismissed.

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