

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.7.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN

W.A.No.899 of 2016,
C.M.P.No.11486 of 2016
and
C.M.P.No.3306 of 2017

1. Government of Puducherry, rep .by
its Secretary,
Department of Industrial Development
(Industries & Commerce),
Chief Secretariat, Kuber Salai,
Puducherry 605 001.
 2. The Chief Secretary to the Govt. of
Puducherry,
Chief Secretariat, Kuber Salai,
Puducherry 605 001.
- Appellants/Respondents 2 & 3

Versus

1. Panchalai Tozhirsanga Congress
rep. by its General Secretary,
No.95 Perumal Koil Street,
Puducherry 605 001. ...Respondent/Petitioner
2. Swadeshi and Bharathi Textiles Mills Ltd.,
(A Govt. of Puducherry Undertaking),
rep. by its M.D.
Cuddalore Road, Mudaliarpet,
Puducherry 605 004. Respondent/1st Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 1.3.2016 passed in M.P.No.1 of 2015 in WP.No.13121 of 2013 on the file of this court.

Prayer in MP.NO.1 of 2015 in WP.No.13121 of 2013:

Petition filed under Article 226 of Constitution of India, to direct the respondents to pay the Industrial Dearness Allowance (IDA) from the month of January 2015 as applicable from time to time pending disposed of WP.No.13121 of 2013.

Prayer in WP.No.13121 of 2013:

Petition filed under Article 226 of Constitution of India,praying to issue a Writ of Certiorari, calling for the records and quash GO.Ms.No.1/2013-Ind.B.Puducherry Department of

Industrial Development (Industries and Commerce) dated 09.04.2013 issued by the II respondent.

For appellant : Mr. Ghandiraj, G.P. (Pondy)

For R1 : Mr. V. Suresh

For R2 : Mr. S. Sivashanmugam

JUDGMENT

(Judgment of the court was made by HULUVADI G. RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal is filed challenging the interim order passed by the learned Single Judge in a miscellaneous petition, directing the appellants to pay Dearness Allowance to the employees of the second respondent herein.

3. Since the challenge is made against only interim order, we are of the view that the main writ petition itself can be taken up for disposal on merits. The learned Government Pleader appearing for the appellants would undertake for implementation of the direction of the learned Single Judge. Therefore, the order of stay granted in this writ appeal is vacated. Further, it is made clear that if the direction of the learned Single Judge is not implemented within six weeks from the date of receipt of a copy of this order, as undertaken, the writ petitioner is at liberty to proceed in accordance with law. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-

Asst. Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

ssk.

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To:

1. The Secretary,
Department of Industrial Development
(Industries & Commerce),
Government of Puducherry,
Chief Secretariat, Kuber Salai,
Puducherry 605 001.

2. The Chief Secretary to the Govt. of
Puducherry,
Chief Secretariat, Kuber Salai,
Puducherry 605 001.

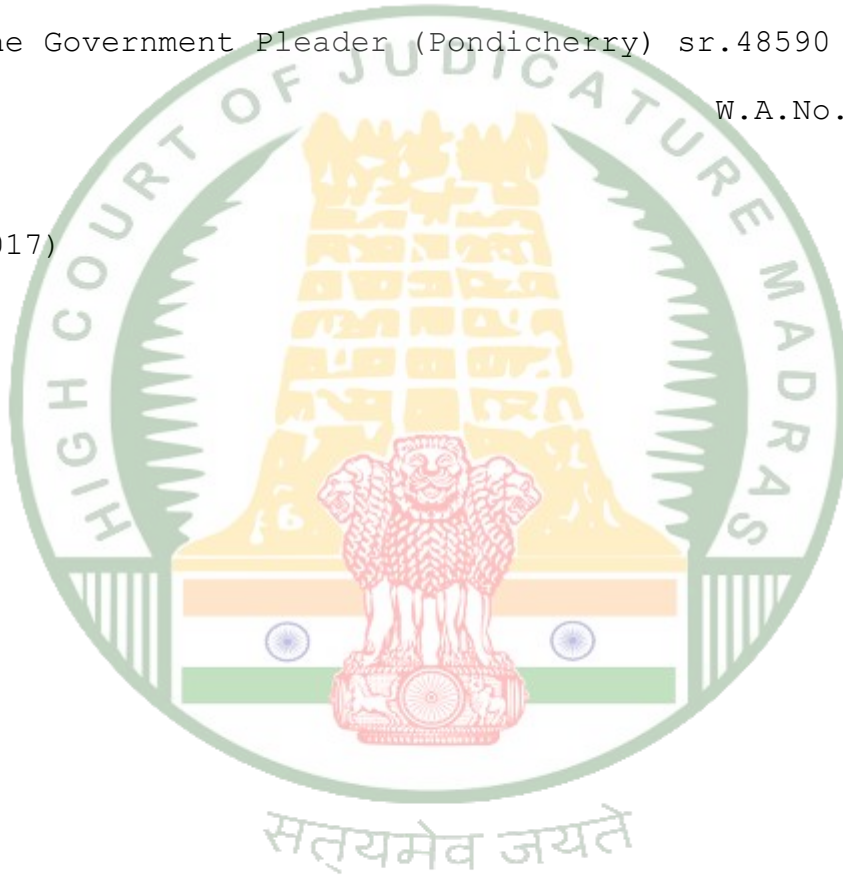
Copy to:
The section Officer,
Writ Section,
High Court, Madras

+1cc to Mr.D.Nagasaila, Advocate sr.48952

+1cc to The Government Pleader (Pondicherry) sr.48590

W.A.No.899 of 2016

gjII(co)
ss(18/8/2017)



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