

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :20.11.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.18361 of 2010
and
M.P.Nos.1 & 2 of 2010

Corporation Labour Union,
Regd.No.2601,
Represented by its President,
Beulah John Selvaraj,
39, Water Tank Road,
Electricity Workshop,
Poonga Nagar, Chennai - 600 079. ...Petitioner
vs

1.The Corporation of Chennai,
Rep by its Commissioner,
Ripon Buildings,
Chennai - 600 003.

2.Secretary to the Government,
Municipal Administration and Water
Supplies Department,
Fort St.George,
Chennai - 600 009. ... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the I Respondent to forthwith implement the order of
this Hon'ble Court dated 05.12.2003 in writ petition Nos.21573
of 2000 and 6154 of 2001.

For Petitioner : M/s.D.Nagasaila
For Respondents : M/s.Karthikaa Ashok for R1
Mr.A.Rajaperumal
AGP, for R2

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O R D E R

The relief sought for in this writ petition is for a
direction to the first respondent to forthwith implement the
order of this Court passed in W.P.Nos.21573 of 2000 and 6154 of
2001 dated 05.12.2003, wherein this Court issued directions to
the respondents to consider the case of the petitioner union for
their permanent absorption, while doing so the artificial breaks
may be ignored.

2.The learned counsel appearing for the respondents informed this Court that out of 91 members of the petitioner union, 74 members were already absorbed and in respect of other members, they are not responding to the intimations given to them by the respondents. Thus, the learned counsel for the respondents states the order of this Court dated 05.12.2003 was complied with in all respects. Even otherwise, the present writ petition filed with a prayer to seek implementation of the order passed by this Court on 05.12.2003 cannot be granted. The fact remains that the order was passed on 05.12.2003 and the writ petition was filed on 10th August 2012, after a lapse of about seven years from the date of passing of the order. This apart, the writ petition cannot be entertained in respect of the implementation of the order passed by this Court in another writ petition. In other words, no writ petition can be entertained by way of an execution petition under Article 226 of the Constitution of India. However, the respondents informed that 74 members have already been absorbed in the respondents Corporation.

3.Thus, no further adjudication on merits needs to be undertaken in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.Secretary to the Government,
Municipal Administration and Water
Supplies Department,
Fort St.George,
Chennai - 600 009.

+1 cc to Mr.D.Nagasaila Advocate sr 83356
+1 cc to M/s.Karthikaa Ashok Advocate sr 82360
+1 cc to Govt Pleader sr 82908

W.P.No.18361 of 2010

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