



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **03.08.2017**
CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)Nos.1028 and 1029 of 2017
and
C.M.P. (MD) .Nos.7147 and 7148 of 2017

The Management,
Hari & Co, Rep by its Authorized Signatory,
No.4/29E, Maduari Bypass Road,
Thoothukudi 628 006,
Thoothukudi District. .. Appellant/Petitioner
in Both Writ Appeals

Vs.

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.S.Chelladurai .. Respondents/Respondents
in W.A.(MD) .No.1028 of 2017

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.Y.Kilbart Thangaraj
3.M.Sermakani
4.K.Paramasivam
5.V.Muniraja
6.K.Marimuthu
7.M.Ashok
8.S.Mathavan
9.K.Chellam
10.P.Marimallusamy
11.A.Radhakrishnan
12.S.Kasi
13.S.Rajasekaran
14.S.Peter Vijayakumar
15.D.Thirumani
16.K.Jeyakumar
17.M.Chendur Chezhiyan
18.M.Ponraj
19.R.Narayanaperumal
20.K.Kanthasamy



21.P.Marimuthu
22.S.Kumar
23.S.Gopalakrishnan
24.R.Uthayakumar
25.Michael Thomas Xavier
26.M.Alasis
27.M.Kithiyon
28.K.Perumal
29.R.Saravanakumar
30.K.Jayaparakash
31.J.A.Selvakumar
32.A.Muthusamy
33.P.Ashokkumar
34.C.Vallimayil
35.M.Mariappan
36.U.Kombaiah
37.S.Jesuraj
38.N.Ramasubbu
39.D.Antony Royappan
40.Y.Savarimuthu
41.S.Velladurai
42.R.A.Marumuthu.. Respondents in W.A.(MD).No.1028 of 2017

PRAYER: Writ Appeals are filed under Clause 15 of the Letter Patent Act, against the order dated 21.06.2017 made in W.P.(MD). Nos.1156 and 1501 of 2017 on the file of this Court.

Prayer in WP(MD). 1156/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in unnumbered I.A. of 2016 in C.P.No.24 of 2016, dated 03.01.2017, quash the same and direct the respondent to decide as a preliminary issue whether the 2nd respondent is a contract employee receiving retainer salary or not.

For Appellant : Mr.A.Jenasenan

For respondent : Mr.D.Saravanan
Nos.2 and 2 to 42 in both Writ Appeals

COMMON JUDGMENT

[Judgment of the Court was delivered by **K.K.SASIDHARAN, J.**]

These Intra-Court Writ Appeals are directed against the order dated 21.06.2017 in W.P.(MD).Nos.1156 and 1501 of 2017 and hereunder, the Writ Petitions were dismissed with certain observations regarding the conduct of the appellant.



2. The learned counsel appearing for the appellant submitted that the appellant wanted to withdraw the Writ Petitions, even before final order was passed by the learned Single Judge. However, the Writ Petitions were reserved for orders and as such, the appellant could not withdraw the Writ Petitions. The learned counsel for the appellant seeks liberty to withdraw the Writ Petitions. He has also made endorsement to that effect.

3. In view of the endorsement made by the learned counsel appearing for the appellant, the Writ Petitions in W.P.(MD). Nos.1156 and 1501 of 2017 are dismissed as withdrawn. In view of the withdrawal of the Writ Petitions, nothing survives for adjudication in these Writ Appeals. We expunge the observation contained in Paragraph Nos.36 and 37 of the order, as the same were not necessary for the disposal of the Writ Petitions.

4. We direct the appellant to co-operate with the Labour Court for an early disposal of the pending proceedings. The Labour Court must ensure that the proceedings are disposed of as expeditiously as possible and in any case, within a period of six months from the date of receipt of a copy of this Judgment.

5. The Writ Appeals are disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar

To:

1. The Presiding Officer,
Labour Court, Tirunelveli.

+2ccs to Mr.S.Sethuraman, Advocate, SR.No.69934 & 69935
+1cc to Mr.D.Saravanan, Advocate in SR.No.70073

NB

AE/JC/SAR1/04.09.2017/3P/5C

**COMMON JUDGMENT MADE IN
W.A(MD) Nos.1028 and 1029 of 2017
03.08.2017**