

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.1454 of 2016

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the interlocutory order passed by the Learned Single Judge in W.P.M.P.No.45723 of 2016 in W.P.No.26321 of 2008 dated 25.11.2016.

While the Learned Single Judge had granted interim stay, in W.P.M.P.No.34469 of 2008 in W.P.No.26321 of 2008, on 19.01.2009 for a period of four weeks, the said interim order does not appear to have been extended after the four weeks period expired on 16.02.2009. For a period of nearly seven years thereafter, till the appellant-writ petitioner moved the present application, they did not have the benefit of any interim order of stay in W.P.No.26321 of 2008. Noticing this fact, the Learned Single Judge has observed in the order under appeal that the proceedings before the Labour Court may go on. As the learned counsel for the 2nd respondent-workman withdrew his vakalat, the Learned Single Judge permitted the appellant-writ petitioner's counsel to take out notice on the 2nd respondent, and has posted the matter after four weeks. The four week period expired more than three months ago i.e on 23.12.2016.

We find no error in the order of the Learned Single Judge, in refusing to extend the interim order which expired nearly seven years before the application in W.P.M.P.No.45723 of 2016 was filed. In an intra-court appeal, under Clause 15 of the Letters Patent, interference is justified only if the order under appeal suffers from a patent illegality. We find no such infirmity in the order under appeal.

Sri V.Hari Haran, learned counsel appearing on behalf of the appellant-writ petitioner, would seek permission of this Court to request the Learned Single Judge to take-up the W.P.M.P. Now that the four week period has elapsed, suffice it to make it clear that the order now

passed by us will not preclude the appellant-writ petitioner from requesting the Learned Single Judge to take up W.P.M.P.No.45723 of 2016 in W.P.No.26321 of 2008 for hearing at an early date.

The Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

27th March, 2017
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Date: 27.03.2017

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