

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 02.03.2018

CORAM:
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.270 of 2013 and
MP.Nos.1 and 2 of 2013

- 1.The State Bank of India
Rep. by its Chief General Manager,
16 College Road,
Chennai - 600 006.
- 2.The Deputy General Manager,
State Bank of India,
Zonal Office, Trichy -1. Appellant

-Vs-

- 1.The Inspector of Labour - III
Venkatanarayana Road,
Nandanam, Chennai -35.
- 2.V.Manoharan Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.4712 of 2009 dated 14.07.2011.

WP.No.4712/2009:Petition presented to this court to issue a writ of certiorari to calling for the records from the 1st Respondent relating to the conferment of permanent status Case No.Aa/2651/07 and the Order dated 27.11.2008 on the file of the Inspector of Labour III Nandanam Chennai-35 the 1st Respondent and quash the order dated 27.11.2008 made in Aa/2651/07.

For Appellants : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co

For Respondents: Mr.K.M.Ramesh
for R2

J U D G M E N T

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

The appellants raised a dispute with regard to the maintainability of the proceedings initiated by the second

respondent under the provisions of Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981. The first respondent by order dated 27 November 2008 overruled the objection. The writ petition filed by the appellants challenging the order dated 27 November 2008 was dismissed by the learned single Judge.

2. The Division Bench by order dated 15 April 2013 permitted the competent authority to proceed with the case filed by the second respondent. However, the Division Bench made it clear that Award shall not be executed till final orders are passed in the writ appeal.

3. The learned counsel for the appellants contended that the interim direction was given by this Court by following an earlier judgment reported in 2007 (2) LLN 212 [V.Elayaperumall vs. State Bank of India, Asaveerankudikadu Branch, Tiruchirappalli). The said judgment is now pending before the Hon'ble Supreme Court in SLP Nos.15948 to 15951 of 2007. The learned counsel therefore contended that the issue is still pending before the Hon'ble Supreme Court.

4. The writ petition filed by the appellants was against an order overruling the preliminary objection taken by the appellants with regard to the maintainability of the proceedings before the first respondent under the provisions of Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981. The authority has passed an order in favour of the second respondent on 16 December 2013. The order was produced before this Court in a sealed cover. Neither the appellants nor the second respondent got the benefit of the said order. It is always open to the appellants to challenge the order dated 16 December 2013 in view of the fact that it was made pursuant to the interim order passed by this Court on 15 April 2013. We are therefore of the view that on account of the subsequent order, there is no need for a factual adjudication of the issue raised by the appellants in the present appeal.

5. We give liberty to the appellants to challenge the order dated 16 December 2013 before the Writ Court. It is always open to the appellants to take up all contentions available to them both on fact as well as on law.

6. The intra court appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

svki

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

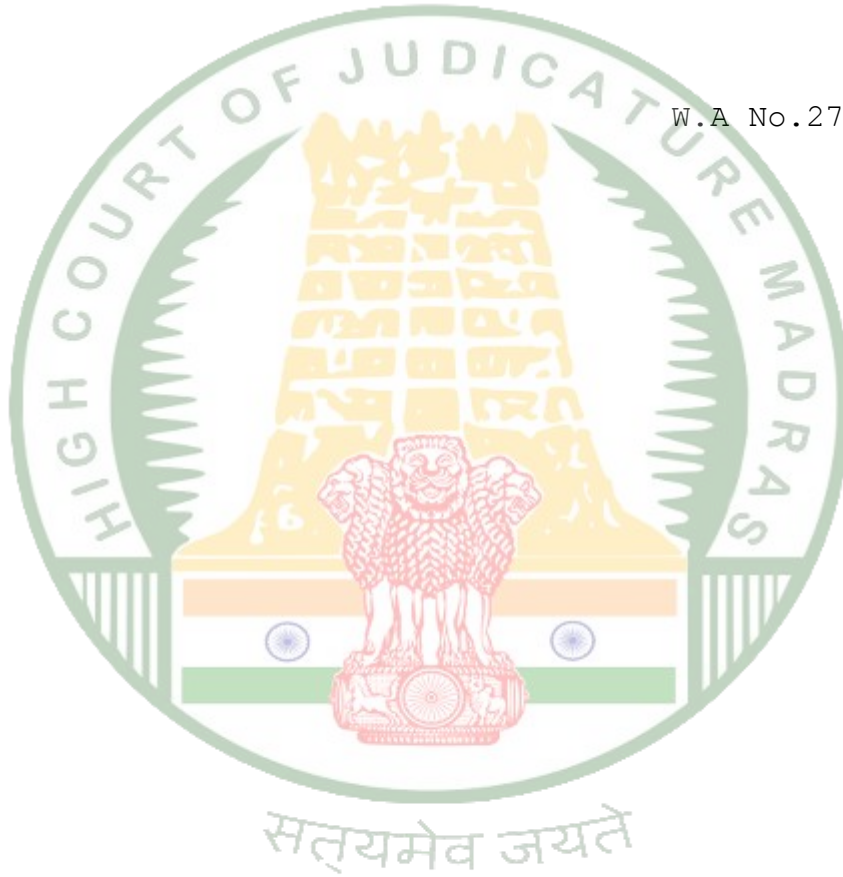
To

The Inspector of Labour - III
Venkatanarayana Road,
Nandanam, Chennai -35.

+1cc to M/s.T.S.Gopalan, Advocate Sr.no.16214
+1cc to Mr.K.M.Ramesh, Advocate Sr.no.16156

NM(CO)
sm:3.4.2018

W.A No.270 of 2013



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