



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.09.2018**

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.A. [MD] .No.990 of 2016

and

C.M.P. (MD) .Nos.5893 and 5830 of 2018

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
[Madurai] Ltd., Bye pass Road,
Madurai 10.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
[Madurai] Ltd., Virudhunagar Region,
Virudhunagar.
- 3.The Branch Manager,
Tamil Nadu State Transport Corporation,
[Madurai] Ltd., Virudhunagar Branch,
Virudhunagar District. : Appellants

Vs.

- 1.The Labour Inspector,
137, Kanthapuram Street,
Virudhunagar.
- 2.D.Pandi : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 19.01.2016 made in M.P.(MD).No.2 of 2013 in W.P.(MD).No.11211 of 2013, on the file of this Court.

PRAYER IN M.P.(MD).No.2 of 2013 in W.P.(MD).No.11211 of 2013:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to



interim stay to all further proceedings in Pa.Mu.No.A/2382/2012 dated 11.03.2013 on the file of the 1st respondent pending disposal of the Writ Petition(MD)N.11211 of 2013.

PRAYER IN WP(MD).11211 OF 2013:

Writ petition is filed under Article 226 of the Constitution of India praying this court to issue a Writ of Certiorari calling for the records in Pa.Mu.No.A/2382/2012 dated 11.03.2013 on the file of the 1st respondent and quash the same

For Appellants : Mr.A.Jeyaram

For respondent No.1 : Mr.A.K.Baskarapandian
Special Government Pleader

For Respondent No.2 : Mr.A.Rahul

JUDGMENT

[**Judgment** of the Court was delivered by **M.M.SUNDRESH, J.**]

What has been challenged in this Writ Appeal is only an interim order dated 19.01.2016 made in M.P.(MD).No.2 of 2013 in W.P.(MD).No.11211 of 2013, passed by the learned Single Judge.

2. The learned Single Judge did not grant any blanket interim order. Considering the factual finding given by the authority, the learned Single Judge was pleased to grant stay of the arrears and back wages, while permitting the second respondent/writ petitioner to work. Since a discretion has been rightly exercised, we do not find any error in the order passed by the learned Single Judge and by permitting the second respondent/writ petitioner, the appellant will not be prejudiced. In fact, it would be beneficial for the appellant, in the event of the Writ Petition being dismissed and in such an event, keeping away the second respondent/writ petitioner would cause unnecessary loss. Further, the second respondent/writ petitioner, as-on-today, has been working. The learned Single Judge has also observed that the second respondent/writ petitioner has also been granted permanent status, pursuant to the impugned order, with effect from 01.01.2016.

3. In such view of the matter, more particularly, taking into consideration of the fact that the departmental proceedings initiated against the second respondent/writ petitioner were concluded, by which he was imposed with the punishment, which was given effect to and the said order has been challenged before the learned Single Judge by way of a separate proceedings, the Writ Appeal stands dismissed. We request the learned Single Judge to take



up the main Writ Petition and decide the issue. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
[Madurai] Ltd., Bye pass Road,
Madurai 10.
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Virudhunagar District.
- 4.The Labour Inspector,
137, Kanthapuram Street,
Virudhunagar.

+1 CC To MR.A.JEYARAM, Advocate SR. NO.83928

+1 CC To MR.A.RAHUL, Advocate SR. NO.83545

JUDGMENT MADE IN
W.A. [MD] .No.990 of 2016
11.09.2018

NB

TR/RP/SAR-IV(27.09.2018) 3P 7C