

C.M.P. No. 11932 of 2017

in

W.A.SR No. 54153 of 2017

K.K. SASIDHARAN,J.

AND

P.D. AUDIKESAVALU,J.

(Order of the Court was made by K.K. SASIDHARAN,J.)

The petitioners were not parties to the writ petition in W.P. No. 39279 of 2016. Since the order passed by the learned Single Judge dated 26.04.2017 would involve civil consequences, the petitioners have filed the intra-court appeal along with the present application to grant them leave.

2. When the application is taken up for hearing, learned counsel for the first respondent, by producing a copy of the order dated 05.09.2017 in W.A. No. 806 of 2017 submitted that the related appeal filed by the Tamil Nadu State Transport Corporation challenging the very same order dated 26.04.2017 in W.P. No. 39279 of 2016 was dismissed by the Division Bench.

3. The learned counsel further submitted that the order implementing the direction issued by this Court in G.O.(Ms) No. 196 Transport (D) Department dated 10 August, 2017 has been challenged by the petitioners herein in W.P. No. 24299 of 2017 and the said writ

<http://www.judis.nic.in> petition is pending before the learned Single Judge.

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4. When it was pointed out as to how another appeal is maintainable, the learned counsel for the petitioners submitted that they would file a third party application for review of the judgment dated 5 September, 2017 in W.A. No. 806 of 2017 as the said judgment would affect their rights.

5. In view of the judgment in W.A. No. 806 of 2017 confirming the order passed by the learned Single Judge dated 26.04.2017 in W.P. No. 39279 of 2016, there is no question of re-adjudicating the issue once again at the instance of the petitioners. We therefore dismiss the miscellaneous petition.

6. However, we make it clear that this would not prevent the petitioners from approaching the appropriate Court with an appropriate application in case they are so advised.

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(K.K. SASIDHARAN,J.) (P.D. AUDIKESAVALU,J.)
27 March, 2019

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