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W.A.(MD)No.151 of 2013:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.12.2020

CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

AND

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.A. (MD)Nos.151 and 152 of 2013

and

MP (MD)No.1 of 2013 in WA (MD)No.151 of 2013

and

MP (MD)Nos.1 and 2 of 2013 in WA (MD)No.152 of 2013

W.A. (MD)No.151 of 2013:

The Management,
Sri Parameswari Spinning Mill (P) Ltd.,
Great Cotton Road,
Panthalkudi - 626 113,
Virudhunagar District.

.. Appellant/Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Madurai.

- 2.S.Selvaraj
- 3.A.Selvaraj
- 4.G.Samulraja
- 5.D.Chellamy
- 6.K.Perumal
- 7.D.Nagarajan
- 8.V.Murugan
- 9.R.Azhagarrajan
- 10.S.John Sundarajan
- 11.D.Kulasekaraperumal
- 12.N.Ramasamy
- 13.J.Seenimuthu
- 14.D.E.Rajarathinam
- 15.S.Velayutham
- 16.K.Nagarajan
- 17.N.Lakshmanan
- 18.S.Ramasamy
- 19.S.Lakshminarayanan
- 20.S.Mariaselvarajan
- 21.K.Ramasamy
- 22.M.Muthuchamy
- 23.T.S.Kandavelu

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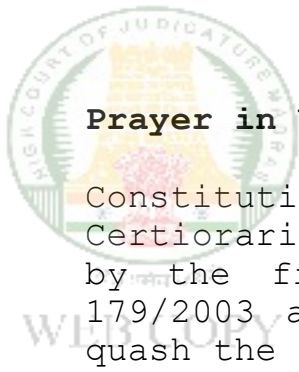
24.S.Karuppasamy
25.S.Selvaraj
26.S.Ramasamy
27.G.Joseph
28.S.Muniyasamy
29.N.Vellaichamy
30.D.Pondurai
31.N.Seetharaman
32.S.Subramanian
33.S.Mariappan
34.K.Venkataraj
35.P.Thalarajan
36.D.Kosalraman
37.S.Gnanamuthu
38.A.Ramasamy
39.S.Velsamy
40.S.Sorimuthu
41.G.Thiruvadi
42.A.Kumarasamy
43.V.Rengarajan
44.S.Bangarurajan
45.C.Ramasamy
46.S.Ramasamy
47.M.Sudalaimuthu
48.V.Ramar
49.N.Perumalsamy
50.N.Subbiah
51.G.Sankaranarayanan
52.K.Anandappan
53.S.Sivasubramanian
54.S.M.Mariappan
55.S.Soundarrajan
56.V.Palanivel
C/o.General Labour Union,
Registration No.145/MDU,
31, Nanmai Tharuvar Koil,
Arisikkara Street,
Madurai-625 001.

.. Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 05.12.2012, passed in M.P.(MD)No.1 of 2012 in W.P.(MD)No.15603 of 2012.

Prayer in MP(MD)No. 1/ 2012 in WP(MD)No.15603/2012 :

To grant an interim stay of the operation of the award passed by the 1st respondent herein made in ID Nos. 126/2003 to 179/2003 and I.D No. 198/2003 and 199/2003 dated 29.03.2012 pending disposal of the above Writ Petition.



Prayer in WP(MD)No. 15603/ 2012 :

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 relating to the award passed by the first respondent herein made in ID Nos. 126/2003 to 179/2003 and I.D No. 198/2003 and 199/2003 dated 29.03.2012 and quash the same.

For Appellant : Mr.C.G.Pethanaraj

R1 : Court

For R2 to R56 : No appearance

W.A.(MD)No.152 of 2013:

The Management,
Sri Parameswari Spinning Mill (P) Ltd.,
Great Cotton Road,
Panthalkudi - 626 113,
Virudhunagar District.

.. Appellant/Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Madurai.

- 2.V.Chandrasekaran
- 3.R.Murugadasan
- 4.K.Ganesan
- 5.N.Chandran
- 6.M.Ramamurthy
- 7.S.Nalliah
- 8.D.Maragadavel
- 9.B.Ramakrishnan
- 10.C.K.Bagyaraj
- 11.V.Mariappan
- 12.M.Subbiah
- 13.B.Palanisamy
- 14.S.Shenbagam
- 15.M.Muthusamy
- 16.R.Jayaram
- 17.R.Picaiakkani
- 18.V.Gurusamy
- 19.R.Periyasamy
- 20.B.Palani
- 21.A.Subbunaraj



22.N.Chinnathambi
23.R.Subhash Chandrabose
24.B.Dhanapal
25.B.Mariappan
26.V.Karuppasamy
27.N.Veeraperumal
28.S.Muniyasamy
29.S.Joseph
C/o.General Labour Union,
Registration No.145/MDU,
31, Nanmai Tharuvar Koil,
Arisikkara Street,
Madurai-625 001.

.. Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 05.12.2012, passed in M.P.(MD)No.1 of 2012 in W.P.(MD)No.15604 of 2012.

Prayer in MP(MD)No. 1/ 2012 in WP(MD)No.15604/2012 :

To grant an Interim Stay of the operation of the award passed by the 1st Respondent herein made in I.D.No.9/2002 to 33/2002, 38/2002 to 40/2002 dated 29.03.2012.

Prayer in WP(MD)No. 15604/ 2012 :

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 relating to the award passed by the first respondent herein made in I.D.No.9/2002 to 33/2002, 38/2002 to 40/2002 dated 29.03.2012 and quash the same.

For Appellant : Mr.C.G.Pethanaraj

R1 : Court

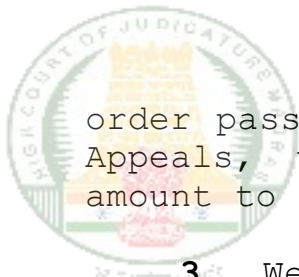
For R2 to R29 : No appearance

COMMON JUDGMENT

(Common Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

These Writ Appeals have been filed by the appellant Management, against the common order dated 05.12.2012, passed in M.P.(MD)Nos.1 and 1 of 2012 in W.P.(MD)Nos.15603 and 15604 of 2012, respectively, directing them to deposit 50% of the compensation amount awarded by the Labour Court, Madurai, and to give Bank Guarantee for the remaining 50% of the amount.

2. When the matter is called today, the learned counsel appearing for the appellant would submit that pursuant to the



order passed by this Court, dated 04.02.2013, in the present Writ Appeals, the appellant had deposited 25% of the compensation amount to the credit of the respective I.D. numbers.

3. We have heard the learned counsel appearing for the appellant and perused the materials available on record.

4. It is evident from the records that the Writ Petitions are of the year 2012 and the interim order has been passed as early as on 05.12.2012 and the Writ Petitions are pending for the past 8 years.

5. At this juncture, it would be worthwhile to quote the decision rendered by a Division Bench of this Court in ***Southern Academy of Maritime Studies, Rep. by Director, Maritime Education Private Ltd., Chennai Vs. A.M.Akash and others*** reported in ***CDJ 2019 MHC 2548 [W.A.No.1819 of 2019, decided on 14.06.2019]***, wherein this Court after considering the earlier decisions of this Court, held that a writ appeal is not maintainable against an interim order.

6. Moreover, because of the pendency of the present Writ Appeals, the Writ Petitions, which are pending from the year 2012, could not be disposed of.

7. In view of the above, the Writ Appeals are dismissed with a request to the learned Single Judge, to dispose of W.P.(MD) Nos.15603 and 15604 of 2012, at the earliest. It is made clear that this Court has not expressed any opinion on the merits of the pending Writ Petitions. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (RTI)

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Sub Assistant Registrar (CS)

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Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

The Presiding Officer,
Labour Court,
Madurai.

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+2 CC to Mr.C.G.PETHANARAJ, Advocate (SR-23820[F] dated
03/12/2020)

Common Judgment in
W.A. (MD) Nos.151 and 152 of 2013
02.12.2020

KM (23.12.2020) 6P 4C