



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.12.2020

CORAM

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THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN
AND
THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.A. (MD)No.433 of 2013
and
M.P. (MD)No.1 of 2013

The Management,
Readlin Exports,
22, French Cheppal Road,
Tuticorin - 1.

.. Appellant

Vs.

1.R.Joseph

2.The Presiding Officer,
Labour Court,
Tirunelveli.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent,
against the order dated 11.01.2013, passed in M.P.(MD)No.3 of 2010
in W.P.(MD)No.9985 of 2010.

Prayer in MP(MD).NO.3/2010 in WP(MD)NO.9985/2010:

To direct the 1st respondent / petitioner management to pay
wages to the petitioner under section 17(B) of the I.D. Act from the
date of proceedings institution of the above Writ petition and thus
render justice.

Prayer in WP(MD). 9985/ 2010 :

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 impugned award
passed by the Honourable Labour Court, Tirunelveli in I.D.No. 58 of
2006 dated 09.12.2009 and quash the same.

For Appellant	:	Mr.N.Shanmugaselvam
For R1	:	Mr.S.Kumar
R2	:	Court



JUDGMENT

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

This Writ Appeal has been filed by the appellant Management, against order dated 11.01.2013, passed in M.P.(MD)No.3 of 2010 in W.P.(MD)No.9985 of 2010, directing the appellant to pay wages to the first respondent/workman, under Section 17-B of the Industrial Disputes Act, 1947.

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

3. It is stated by the learned counsel appearing for the first respondent that the Writ Petition was filed in the year 2010 and the interim order has been passed as early as on 11.01.2013. Even after passing of 7 years, the interim order passed by this Court in the Writ Petition, has not been complied with. Moreover, because of pendency of the present Writ Appeal, the Writ Petition, which is pending from the year 2010, could not be disposed of.

4. 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.

5. In view of the above, the Writ Appeal is dismissed with a request to the learned Single Judge, to dispose of W.P.(MD)No.9985 of 2010, at the earliest. It is made clear that this Court has not expressed any opinion on the merits of the pending Writ Petition. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

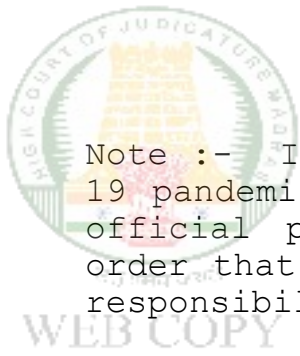
Assistant Registrar (CS-I)

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/ /2020

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.

To

The Presiding Officer,
Labour Court,
Tirunelveli.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

W.A.(MD)No.433 of 2013

02.12.2020

AC (CO)
NR (21/12/2020) 3P : 3C