



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)No.524 of 2013
and
M.P. (MD)No.1 of 2013

1.Tmt.Gowri
2.Tmt.Rajalakshmi .. Appellants

Vs.

1.The Controlling Authority under the
Payment of Wages Act,
[Deputy Commissioner of Labour],
1/15-C, Rathinasamy Nadar Road,
Visalakshipuram,
Madurai - 625 014.

2.Thiru.R.Natarajan .. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent,
against the order dated 01.02.2013, passed in M.P.(MD)No.2 of 2013
in W.P.(MD)No.2004 of 2013.

Prayer in MP(MD)No.2 of 2013:

This Miscellaneous petition filed under Article 226 of the
Constitution of India, praying to grant an order of Interim Stay of
the operation of the order dated 22.05.2012 passed by the first
respondent in P.W. No.2 of 2009 till the final disposal of the above
WP(MD)No.2004 of 2013.

Prayer in WP(MD)No.2004 of 2013:

This Writ Petition filed under Article 226 of the Constitution
of India, praying to issue a Writ of Certiorari any, other
appropriate Writ order or direction to call for the records of the
first respondent in P.W.No.2/2009 and quash the order dated
22.5.2012 passed therein.

For Appellants	:	Mr.T.Ravichandran
For R1	:	Mr.M.Muthugeethaiyan Special Government Pleader
For R2	:	Mr.K.Mariyappan



JUDGMENT

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

This Writ Appeal has been filed by the appellants against order dated 01.02.2013, passed in M.P.(MD)No.2 of 2010 in W.P.(MD)No.2004 of 2013, directing the appellants to pay 50% of the amount fixed by the first respondent to the second respondent/workman.

2. We have heard the learned counsel appearing for the appellants and the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent and perused the materials available on record.

3. It is stated by the learned counsel appearing for the second respondent that the Writ Petition was filed in the year 2013 and the interim order has been passed as early as on 01.02.2013, against which, the present Writ Appeal has been filed. Moreover, because of pendency of the present Writ Appeal, the Writ Petition, which is pending from the year 2013, 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.2004 of 2013, 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 (Crl Side)

// True Copy //

/ /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 Controlling Authority under the
Payment of Wages Act,
[Deputy Commissioner of Labour],
1/15-C, Rathinasamy Nadar Road, Visalakshipuram,
Madurai - 625 014.

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

+1 CC to M/s.GP (SR-23886[F] dated 03/12/2020)

W.A. (MD) No.524 of 2013
02.12.2020

pm (CO)
KK (22.12.2020) 3P 4C