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W.A.(MD)No.228 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.12.2020

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THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

AND

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.A.(MD)No.228 of 2016

and C.M.P.(MD)No.1061 of 2016

The Management,
Ramanathapuram District Central
Co-operative Bank Limited,
Represented by its Managing Director /
Joint Registrar, Vandikkara Street,
Ramanathapuram. .. Appellant/Petitioner/Petitioner

Vs.

1.R.Subalakshmi

2.The Inspector of Labour,
O/o. Inspector of Labour,
Ramanathapuram. .. Respondents/Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent,
against the order dated 23.11.2015, passed in M.P.(MD)No.1 of 2015
in W.P.(MD)No.20646 of 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).20646/2015 :

To stay the operation of the Impugned order passed in
Na.Ka.No.A/1540/2014 dated 31.07.2015 by the second respondent.

Prayer in WP(MD). 20646/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of
India, praying this Court To issue a Writ of Certiorari, to call for
the records relating to the impugned order passed in
Na.Ka.No.A/1540/2014 dt.31.07.2015 by Inspector of Labour,
Ramanathapuram, the second respondent herein and quash the same.

For Appellant : Mr.D.Shanmugaraja Sethupathi

For R1 : No Appearance

For R2 : Mrs.J.Padmavathi Devi
Special Government Pleader

JUDGMENT

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

This Writ Appeal has been filed by the appellant Management,
against order dated 23.11.2015, passed in M.P.(MD)No.1 of 2015 in
W.P.(MD)No.20646 of 2015, directing the appellant to implement the

<https://hcservices.ecourts.gov.in/hcservices/>



impugned order passed by the second respondent granting permanent status to the first respondent/workman, pending disposal of the Writ Petition.

2. We have heard the learned counsel appearing for the appellant and the learned Special Government Pleader appearing for the second respondent and perused the materials available on record. Though notice has been served on the first respondent and her name is printed in the cause list, she has not chosen to appear either in person or through counsel.

3. It is evident from the records that the second respondent has passed an award granting permanent status to the first respondent/workman, against which, the Management has filed the Writ Petition and obtained an interim order.

4. According to the learned counsel appearing for the appellant, if the order of the second respondent is implemented, the very purpose of filing the writ petition would be defeated.

5. It is represented that the order passed by the second respondent has not been implemented as on date and no interim order has been obtained in the writ appeal. Moreover, because of pendency of the present Writ Appeal, the Writ Petition, which is pending from the year 2015, could not be disposed of.

6. 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.

7. 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.20646 of 2015, 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/-

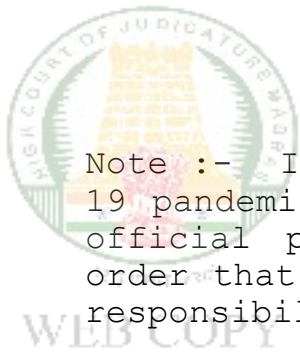
Assistant Registrar(P & A)

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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 Inspector of Labour,
O/o. Inspector of Labour,
Ramanathapuram.

+1 CC to M/s.D.SANMUGA RAJA SETHUPATHI, Advocate (SR-23794[F] dated 03/12/2020)

W.A. (MD) No. 228 of 2016
02.12.2020

MA (CO)
TR(22.12.2020) 3P 3C