



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2022

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) No.6390 of 2013

and

M.P. (MD) No.3 of 2013

1.A.Packiaraj

2. K.T.K.Thangamani Ninaivu,
Madurai Mavatta Amaippusara Thozhilar Sangam,
Rep. by its General Secretary,
M. Nandasingham, Door No.146,
Puttu Thoppu Road, Madurai.

... Petitioners

Vs.

1. The Municipal Corporation,
represented by its Commissioner,
Madurai.

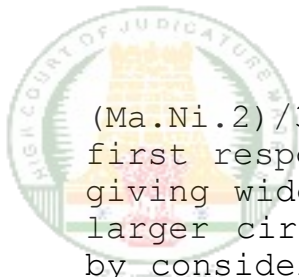
2. K.Muthumanickam
3. S.Palanivasan
4. V.Sabarinathan
5. P.Saravana Kumar
6. M.Raja
7. S.Mani
8. B.Sahayaraj
9. A.Muthukrishna Kumar
10. V.Suresh Kumar
11. P.Nagabalan
12. P.Malaisamy
13. R.Baskar
14. A.Muthukrishnan
15. P.Mutharasu
16. M.Senthil Kumar
17. K.Asaithambi
18. A.Prabhu
19. A.Ravi
20. A.Vengatesan
21. P.Soundarapandi
22. G.Selvakumar
23. M.Jeyamurugan
24. S.Nagarajan



25. R.Balamurugan
26. P.Sivarajan
27. C.Velmuruganantham
28. M.Kasi Viswanathan
29. R.Jaganathan
30. R.Jeyapandi
31. Dhamodharan
32. K.Selvapandi
33. V.Gnanasekaran
34. S.Sankar Ganesh
35. P.Muruga Pandiyan
36. K.Saravana Kumar
37. B.Rajasekaran
38. T.Saravana Kumar
39. S.Kannan
40. G.Varadha Rajan
41. P.Saravana Kumar
42. V.Ramesh Kumar
43. N.Ravikumar
44. B.Prabu
45. B.Devaraj
46. Jesu Raja
47. M.Sivamurugan
48. M.Manikandan
49. M.Anbarasan
50. S.Satheesh Kumar
51. G.Narayana Kumar
52. N.Arumugam
53. A.V.Rajaram
54. N.Muthukannan
55. G.Balasubramanian
56. N.Sethupandian
57. M.Senthil
58. S.Suresh
59. M.Mohammed Ibrahim
60. S.Navaneetha Kannan
61. N.R.Selvakumar
62. C.Arockia Baskar
63. G.Rajasekaran
64. M.Muthukumar
65. P.Kartick
66. G.Ravisankar
67. P.Christopher
68. K.Manikandan
69. M.Velpandi
70. V.Saravanan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent, dated 26.03.2013 in Ma.Ni.10



(Ma.Ni.2)/34951/2012, quash the same and consequently, direct the first respondent to fill up the vacancies in the post of Drivers by giving wide publicity and advertisement in daily News Papers having larger circulation and also by other modes and to make appointment by considering the case of members of second petitioner Trade Union also along with other eligible persons and to give preference to members of second petitioner Trade Union in appointment when other things are equal compared to other persons based on their service.

For Petitioner : Mr.V.Ajoy Khose
for Mr.A.Rahul

For R1 : Mr.R.Murali

For R-2 to R-70 : No appearance

ORDER

This Writ Petition is filed for Writ of Certiorari to quash the impugned order, dated 26.03.2013, with the consequential prayer to direct the first respondent to fill up the vacancies for the post of Driver by giving wide publicity and advertisement in daily News Papers having larger circulation and also by other modes and to make appointment by considering the case of members of second petitioner Trade Union also along with other eligible persons and to give preference to members of second petitioner Trade Union in appointment when other things are equal compared to other persons based on their service.

2. The first petitioner is working in the first respondent Corporation as Driver. The second petitioner is a Sangam representing the unorganized sector workers.

3. When the matter was taken up for hearing, the learned Counsels appearing for both the petitioners and the respondents submitted that the petitioner has raised an Industrial Dispute in I.D.No.33 of 2013 which is pending before the Labour Court, Chennai. The issue raised in Industrial Dispute as well as the issue raised in the writ petition are similar.

4. Therefore, this Court deems it fit to close this writ petition and allow the parties to contest the issue before the Labour Court.

5. However, the respondents No.2 to 70 are not the parties before the Industrial Dispute. The respondents No.2 to 70 are recruited by the first respondent as daily wages in the Municipality Corporation. The first and second petitioners are fighting for the same post in which the respondents No.2 to 70 are recruited. Therefore, the petitioners are directed to file amendment petition before the Industrial Dispute and include the respondents No.2 to



70.

6. This Court has granted an Interim injunction, dated 18.04.2013, the same shall continue until the disposal of the Industrial Dispute which is pending before the Labour Court.

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7. With the above said observation, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/12/2022

Sub Assistant Registrar(CS)

jbr

To

The Municipal Corporation,
represented by its Commissioner,
Madurai.

Copy to:

The Judge,
Labour Court,
Chennai.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-53833[F] dated 09/11/2022)

+1 CC to M/s.A.RAHUL, Advocate (SR-54071[F] dated 10/11/2022)

+1 CC to M/s.R.MURALI, Advocate (SR-54170[F] dated 11/11/2022)

W.P. (MD) No. 6390 of 201309.11.2022AMS (01.12.2022) 4P 6C