



W.P(MD)No.17686 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17686 of 2020

and

W.M.P.(MD)No.14766 of 2020

Ramanathapuram District Sarvodya Sangh,
66, Kanthadai Street,
Srivilliputhur, Virudhunagar District,
Through its Secretary.

... Petitioner

Vs.

K.S.Gurusamy

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the Labour Court, Madurai in C.P.No.98 of 2016 and C.P.No.36 of 2018 and quash the common order dated 06.10.2020 passed therein.

For Petitioner : Mr.T.Ravichandran

For Respondent : no appearance



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ORDER

Heard the learned counsel appearing for the petitioner. Though the respondent has been served and his name is printed in the cause list, there is no appearance on his behalf.

2. What is under challenge is the order passed by the Labour Court in the claim petition filed by the respondent. The claim petition has been filed to enforce the order dated 02.05.2012 made in TNSE.No.11 of 2009.

3. The learned counsel appearing for the petitioner points out that the said order passed by the appellate authority under Tamil Nadu Shops and Establishments Act was put to challenge in W.P.(MD)No.15749 of 2012 and that the writ petition was allowed on 15.04.2021. The copy of the said order has also been produced.

4. The respondent herein was represented by the counsel in the said writ petition and it is stated by the petitioner's counsel that this order has not been stayed or set aside till date. Therefore, the order impugned in the writ petition is set aside. If the petitioner is said to have made deposit pursuant to the



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conditional interim order granted in this writ petition, since the writ petition itself has been allowed, the petitioner is at liberty to withdraw the deposited amount together with accrued interest, if any. However, if the order dated 15.04.2021 made in W.P.(MD)No.15749 of 2012 is set aside by the Hon'ble Division Bench or in review, the present order will have to be recalled.

5. With this observation, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.03.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.



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