



WMP(MD) No.17201 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twenty Ninth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice BATTU DEVANAND

WMP(MD) No.17201 of 2023

IN

WP(MD) No.8944 of 2018

WMP(MD).17201/2023 :

1 THE COMMISSIONER OF LABOUR,
CHENNAI - 6

2 THE DEPUTY COMMISSIONER OF LABOUR,
DINDIGUL.

3 THE INSPECTOR OF LABOUR,
DINDIGUL.

... PETITIONERS/RESPONDENTS

Vs

S.SANKARAN

... RESPONDENT/PETITIONER

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant leave to the petitioners to file counter affidavit in the Writ petition in W.P.(MD) No.8944 of 2018.

WP(MD).8944/2018 :

S.SANKARAN

... PETITIONER

VS



WMP(MD) No.17201 of 2023

1 THE COMMISSIONER OF LABOUR,
CHENNAI - 6

2 THE DEPUTY COMMISSIONER OF LABOUR,
DINDIGUL.

3 THE INSPECTOR OF LABOUR,
DINDIGUL.

... RESPONDENTS

Prayer in WP(MD). 8944/ 2018 :

To issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned orders passed by the 1st respondent in vide proceedings E1/11599/2017 dated 24.07.2017 and consequential order made in letter No.E1/46463/17 dated 08.01.2018 and quash the same in respect of denial of arrears of pay to the petitioner in the promotional post of UG Superintendent from 02.09.2009 to 30.04.2015 and consequently to direct the respondents to grant the arrears of pay and allowance to the petitioner in the post of UG Superintendent with effect from 02.09.2000 till his retirement on superannuation on 30.04.2015 to the petitioner with interest.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.A.KANNAN, Additional Government Pleader for the petitioners in WMP(MD). 17201/2023 and for the respondent in WP(MD).8944/2018 and MR.V.MUTHUKAMATCHI, Advocate for the petitioner in WP(MD).8944/2018 and for the respondent in WMP(MD).17201/2023, the court made the following order:-

This petition is filed seeking to grant leave to the petitioners herein to file counter affidavit in the main Writ petition.

2. Heard and perused the averments made in the accompanying affidavit.

3.This Court is not satisfied with the reasons assigned by the petitioners herein/respondents for the delay caused for filing counter affidavit within time stipulated in the Madras High Court Writ Rules. Due to non-filing of counter



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affidavit only, this Writ Petition is pending from the year 2018 onwards and due to that reason, the petitioner in the main Writ Petition suffers irreparable loss. However, considering the fact that counter affidavit is essential for proper adjudication of the Writ Petition, this Court is of the considered opinion to allow this petition.

4. Accordingly, this petition is allowed granting leave to file counter affidavit on condition of payment of Rs.5,000/- (Rupees five thousand only) to the petitioner by the next date of hearing.

5. Post on 05.09.2023.

sd/-
29/08/2023

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/08/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

1 THE COMMISSIONER OF LABOUR, CHENNAI - 6
2 THE DEPUTY COMMISSIONER OF LABOUR, DINDIGUL.
3 THE INSPECTOR OF LABOUR, DINDIGUL.

ORDER IN
WMP(MD) No.17201 of 2023
IN WP(MD) No.8944 of 2018
Date :29/08/2023

RS/DD/SAR-(31.08.2023) 3P 4C
Madurai Bench of Madras High Court is issuing
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