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W.A.No.2245 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.2245 of 2024

and

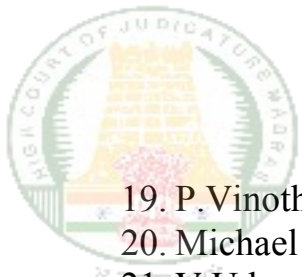
C.M.P.No.15776 of 2024

The Asset Manager

... Appellant/R1/R1

-VS-

1. General Secretary,
ONGC All Employees Union,
No.62, Throwbathi Amman Kovil Street,
Kovilpathu, Karaikal-609 602.
2. M.Saravanakumar
3. S.Abdul Majeed
4. G.Sakthivel
5. K.Ravi
6. P.B.Palanivelrajan
7. G.Chandiran
8. K.Balasubramanian
9. V.Balamurugan
10. D.K.Ramesh Babu
11. M.Rajasekar
12. M.Manimaran
13. K.Thanigaivel
14. R.Saravanakumar
15. S.Vengatnathan
16. J.Ramasamy
17. B.Chandrakasan
18. V.Balasubramanian



W.A.No.22780 of 2022

19. P.Vinoth
20. Michael Aruputhasamy
21. V.Udayachandran

... Respondents/Petitioners/Petitioners

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 12.07.2024 in W.M.P.No.22780 of 2022 in W.P.No.23799 of 2022.

For Appellant : Mr.P.S.Raman, Senior Counsel
For Mr.Sai Srujan Tayi

For R15 : Ms.R.Vaigai, Senior Counsel
For Ms.Anna Mathew, Caveator

J U D G M E N T

(By Hon'ble Acting Chief Justice)

This Writ Appeal has been filed, challenging the interim order dated 12.07.2024 of the learned Single made in W.M.P.No.22780 of 2022 in W.P.No.23799 of 2022, which reads as follows:

“17. This application is filed basically to maintain the status quo in respect of the services of the petitioners with the respondent ONGC. The concern of the petitioners is that in case if the impugned orders are not granted the respondent ONGC may likely to disengage them thereby, the petitioners will be out of service and will come on to the streets. If the impugned orders are passed until the disposal of the main writ petition, then their services will be continued for until disposal of writ petition and in case if the writ petition is allowed then consequential proceedings will follow and in case if the writ petition is dismissed then the petitioners can be disengaged even at that stage. Thereby, the balance of convenience is infavour of the petitioners. The only factor which troubles this Court is that when the respondent management is not in requirement of the petitioners service on account of technical reasons then passing of impugned orders amounts to compelling the ONGC to continue services of the petitioners even though, their services are not required.



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18. Considering the above, the request of the petitioner to grant injunction to restrain the first respondent ONGC from ousting the petitioners from service can be considered.

19. Considering the facts that the respondent ONGC has raised contentious issues in respect of the applicability of Conferment of Permanent Status Act, since this Court has come to a conclusion that until the writ petition is disposed of the services of the petitioners cannot be disengaged and since the respondent ONGC has taken a plea that the petitioners are no more required, this Court is of the opinion that the issues raised in writ petition have to be resolved at the earliest. Therefore, both the parties are directed to get ready for final hearing of the writ petition, subject to the convenience of the learned Senior Counsel for the petitioners as well as the learned Counsel for the respondent ONGC, list the writ petition on 07.08.2024 under the caption “for final hearing”

20. Accordingly, this writ miscellaneous petition is allowed as prayed for ”

2. Heard the learned Senior Counsel for the appellant and the learned Senior Counsel for R15. Notice to other respondents is dispensed with, as no adverse order is going to be passed against them. By consent, the Writ Appeal is taken up for final disposal at the admission stage.

3. Learned Senior Counsel for the appellant submitted that when the Writ Petitioners failed to establish a prima facie case in favour of them and in the absence of balance of convenience, the grant of interim order is unsustainable.



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4. When this Court expressed that unless the Writ Petition is taken up for final hearing, it may not be appropriate for this Court at the appellate state to give any comment thereon, which may affect the case of both parties, the parties on either side have stated that since the Writ Court had directed the Registry to list the matter on 07.08.2024 for final hearing, they are ready to put forth their case before the Writ Court on the said date without fail.

5. At this juncture, learned Senior Counsel for the appellant apprehended that in case the matter is not taken up for final disposal on 07.08.2024, liberty may be granted to the appellant to file a petition to recall the interim order granted by this Court, which has been accepted by the other side.

6. With the above modification, this Writ Appeal is disposed of. It is made clear that the interim order passed by the learned Single Judge would be applicable only to those, who are in service on the date of interim order passed by this Court. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,ACJ.]

[K.B.,J.]

25.07.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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HON'BLE ACTING CHIEF JUSTICE
AND
K.KUMARESH BABU,J.,
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