



WP(MD). No.11067 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 03/06/2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD) No.11067 of 2024 and
WMP(MD) No.9860 of 2024

The Branch Manager,
Sivakasi Branch
Tamilnadu State Transport Corporation
Madurai Limited
Virudhunagar Region
Virudhunagar District

... Petitioner

Vs

1. The Authorized Officer Under Minimum Wages Act,
(Deputy Commissioner of Labour),
Madurai.

2. The Deputy Inspector of Labour,
Sivakasi,
Virudhunagar District.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records on the files of the 1st respondent pertaining to its impugned order in M.W.No. 1 of 2020 dated 17.10.2023 and quash the same.

For Petitioner : M/s.SC.Herold Singh
For Respondent : Mr.M.Lingadurai for R1 & R2
Special Government Pleader



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WP(MD). No.11067 of 2024

ORDER

Heard Mr., learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader, for the respondents 1 and 2. Since no adverse order is going to be passed against the third respondent, notice to the third respondent is dispensed with.

2.This writ petition has been filed challenging the order of the 1st respondent dated 17.10.2023.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The impugned order has been passed by the 1st respondent directing certain payment to be made by the petitioner Corporation in compliance to the G.O.Ms.No.120 Labour and Employment Department dated 31.12.2018.



WP(MD). No.11067 of 2024

5. The learned counsel for the petitioner submitted that the workman has filed WP(MD) No.14216/2019 for enforcing the aforesaid Government order, wherein an order has been passed. However, it is the contention of the petitioner that the above Government order is not applicable to the petitioner Corporation and hence, they have challenged the order of the writ Court by filing by preferring WA(MD) No. 278/2024. However, when the writ appeal is pending, the present impugned order has been passed and hence, the petitioner is before this court.

6. It is to be seen that the order passed in WP(MD) No.14216/2019 was not stayed. Hence technically, there cannot be any bar for the authorities concerned to issue the impugned order. However, the matter in issue is pending in the writ appeal and hence, it would be appropriate for the petitioner to take steps to get the writ appeal disposed and thereafter challenge the same, if he is so advised.

7. Since none of the workman has been impleaded as a party to the proceedings, the writ petition is disposed of with the above observation



WP(MD). No.11067 of 2024

without touching the merits of the matter. The petitioner is at liberty to get an order by staying the operation of the order passed in WP(MD) No. 14216/2019. No costs. Consequently connected Miscellaneous Petition is closed.

03.06.2024

NCC : Yes/No
Index : Yes/No

RR

To

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(Deputy Commissioner of Labour),
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WP(MD). No.11067 of 2024

R.N.MANJULA, J.

RR

W.P.(MD)No.11067 of 2024

03.06.2024