



W.P.(MD)No.11566 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11566 of 2024 &
W.M.P.(MD)No.10308 of 2024

The Branch Manager,
Sattur Branch
Tamilnadu State Transport Corporation
Madurai Limited
Madurai Bye-Pass Road,
Sattur,
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 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records on the files of the 1st respondent pertaining to its impugned order in M.W.No.2 of 2020 dated 17.10.2023 and quash the same.



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For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.M.Ramesh,
Government Advocate

ORDER

Heard Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.M.Ramesh, learned Government Advocate appearing for the respondents.

2.The petitioner has filed this writ petition seeking to issue a Writ of Certiorari, calling for the records on the file of the first respondent pertaining to the impugned order in M.W.No.2 of 2020 dated 17.10.2023 and quash the same.

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 first respondent directing certain payment to be made by the petitioner Corporation in



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compliance of the Government Order in G.O.Ms.No.120 Labour and Employment Department, dated 31.12.2018.

5. Mr.S.C.Herold Singh, learned counsel for the petitioner submitted that the workmen have filed W.P.(MD)No.14216/2019 for enforcing the aforesaid Government order, wherein, by order dated 17.11.2023, the writ petition was allowed. However, it is his submission that the above Government order is not applicable to the petitioner Corporation and hence, they have challenged the order of the writ Court by preferring an appeal in W.A.(MD)No.278/2024. 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 W.P.(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 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



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challenge the same, if they are 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 observations and without touching on the merits of the matter. The petitioner is at liberty to file an application for getting a stay of the operation of the order passed in W.P.(MD)No.14216/2019, if he is so advised. No costs. Consequently connected Miscellaneous Petition is closed.

04.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To

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

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



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R.N.MANJULA, J.

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