



WP(MD). No.13861 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 28/06/2024

CORAM

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

WP(MD) No.13861 of 2024 and
WMP(MD) No.12186 of 2024

The Managing Director
Tamilnadu State Transport Corporation
Bye Pass Road
Madurai 16

... Petitioner

Vs

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

2. The Deputy Inspector of Labour, 2nd division, ,
Madurai 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 proceedings in M.W.No. 49 of 2020 dated 17.10.2023 and quash the same.

For Petitioner : M/s.SC.Herold Singh
For Respondent : Mr.S.Shanmugavelfor R1 & R2
Additional Government Pleader



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WP(MD). No.13861 of 2024

ORDER

Heard Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, for the respondents 1 and 2.

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.

5. The learned counsel for the petitioner submitted that the workman has filed WP(MD) No.14216/2019 for enforcing the aforesaid



WP(MD). No.13861 of 2024

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. 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 workmen has been impleaded as a party to the proceedings, the writ petition is disposed of with the above observation and without touching on the merits of the matter. The petitioner is at liberty to move an application for staying the operation of the order



WP(MD). No.13861 of 2024

passed in WP(MD) No.14216/2019. No costs. Consequently connected
Miscellaneous Petition is closed.

28.06.2024

NCC : Yes/No
Index : Yes/No

RR

To

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WP(MD). No.13861 of 2024

R.N.MANJULA, J.

RR

W.P.(MD)No.13861 of 2024

28.06.2024