



W.A.(MD)No.1147 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

AND

THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.1147 of 2017

and

C.M.P.(MD)No.7917 of 2017

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai,
Chepauk, Chennai – 600 005.

2.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Kovilpatti Division,
Thoothukudi District.

...Appellants

/Vs./

1.The Inspector of Labour,
Office of Inspector of Labour,
No.27, Kanthapuram Street,
Virudhunagar,
Virudhunagar District.

2.S.Vairamuthu

...Respondents



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PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to set aside the order passed by this Court made WMP(MD)No.10215 of 2017 in W.P.(MD)No.13146 of 2017 dated 18.07.2017.

For Appellants : Mr.Vijay Karthikeyan

For Respondents : No appearance (R1)
Mr.J.Suthakaran (R2)

JUDGMENT

(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

This writ appeal has been preferred by the Tamil Nadu Water Supply and Drainage Board against the interim order of this Court passed in WMP(MD)No.10215 of 2017 in W.P.(MD)No.13146 of 2017 dated 18.07.2017, wherein it was directed that the service of the writ petitioner / second respondent shall not be disturbed.

2. The writ petition was filed to forbear the 2nd and 3rd respondents therein from terminating the petitioner, who was working as a pump operator at Sevalpatti water pump station under the Maanur Virudhuangar Sub Division, Kovilpatti Division, without following the due process of law.



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3. The learned counsel appearing for the appellant Board submits that the writ petitioner / second respondent was not at all appointed by the appellants and there is no employer-employee relationship between them. Even assuming that the writ petitioner / second respondent is a contract labour, he has to go only before the labour Court and hence, he prayed to set aside the interim order passed by this Court dated 18.07.2017.

4. The learned counsel appearing for the second respondent prayed for dismissal of this writ appeal.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The proceedings issued by the Assistant Commissioner of Labour, Virudhunagar in Na.Ka.No.A/1916/2017 dated 27.06.2022 was produced before this Court, wherein it is seen that the application made by the writ petitioner / second respondent seeking for regularisation of his employment was dismissed.



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7. It is seen that the writ petitioner / second respondent has already approached the Assistant Commissioner of Labour, Virudhunagar seeking for regularisation of his employment, which was also dismissed on 27.06.2022. Further, the writ petition is of the year 2017, which is still pending and the interim order was passed seven years ago ie., on 18.07.2017. At this stage, this Court is not inclined to interfere with the interim order passed by the learned Single Judge of this Court.

8. With the above observations, this writ appeal is disposed of. Since the writ petition is of the year 2017 and it is still pending, the parties shall work out their remedy before the writ Court. No costs. Consequently, connected miscellaneous petition is closed.

(V.B.S.J.) & (K.K.R.K.J.)
13.03.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes
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and
K.K. RAMAKRISHNAN, J.

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Judgment made in
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Dated:
13.03.2024