

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. Nos.40236 & 40237 of 2015

1.K.Elumalai .. Petitioner in W.P.No.40236 of 2015

2.K.Udayakumar .. Petitioner in W.P.No.40237 of 2015

Vs

1 The Management of
UCAL Products Pvt ltd
EP-2 & EP -3
New Sidco Industrial Estate
Maraimalainagar
Chengalpattu

2 The Management of
UCAL Products Pvt Ltd
S.P.P.Complex 324
Anna Salai, Nandanam,
Chennai-600 035

3 The Presiding Officer
1st Additional Labour Court, Chennai
.. Respondents in both W.Ps.

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the Respondent 1 and 2 to implement the award dated 29.09.2011 made in I.D. Nos. 70 & 71 of 2004 on the file of 3rd Respondent within a stipulated time.

For Petitioners : Mr.T.P.Prabakaran

C O M M O N O R D E R

Heard Mr.T.P.Prabakaran, learned Counsel appearing for the petitioners.

2.The petitioners have come forward with these Writ Petitions for issuance of a writ of mandamus to direct the Respondent 1 and 2 to implement the award dated 29.09.2011 made in I.D. Nos. 70 & 71 of 2004 on the file of 3rd Respondent.

3.By the present Writ Petitions, the petitioners seek for implementation of the Award, which according to them have not been fully implemented i.e. though they have been reinstated in service, they have not been given the appropriate scale of pay.

4.It is for the petitioners to take steps to execute the Award in accordance with section 11 (B) of the Industrial Disputes Act, which gives the power to execute the Award and as the petitioners now seek for computing their monthly salary, they are at liberty to approach the Labour Court under section 33 (c) (2) of the Industrial Disputes Act. Without resorting to such a remedy, the prayer sought for in these Writ Petitions for issuance of a writ of mandamus cannot be granted.

5.Accordingly, the Writ Petitions are disposed of, giving liberty to the petitioners to invoke the remedies available under the provisions of the Industrial Disputes Act. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

rpa

To

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 New Sidco Industrial Estate
 Maraimalainagar
 Chengalpattu

2 The Management of
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 Anna Salai, Nandanam, Chennai-600 035

3 The Presiding Officer
1st Additional Labour Court, Chennai

2 ccs to M/s.T.P. Prabhakaran, Advocate, Sr. 68999, 69000

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