

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.12255/2016 & WMP.No.10593/2016

The Management of
Metropolitan Transport Corporation Ltd.,
Pallavan House, Chennai 600002.

..Petitioner

Versus

1 The Presiding Officer
The III Additional Labour Court
Chennai.

2 S.Maria Arulanandam ..Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus directing the 1st respondent Labour Court, Chennai to transform the EP.No.59/2011 in ID.No.551/2003 as under section 11-B of the Industrial Disputes Act, 1947, in to a Computation Petition as u/s.33[2][c] of the Industrial Disputes Act, 1947 and to adjudge the monetary value which is due to the 2nd respondent if any along and with the 2nd respondent's right to seek for pension based on the length of service.

For petitioner ... Mr.P.Paramasiva Doss
R1 ... Labour Court Mr.R. Jaikumar for
For R2 ... M/s.T.Fenn Walter Associates

ORDER

Heard the learned counsel for the petitioner ; and M/s.T.Fenn Walter Associates appearing for the 2nd respondent and with their consent, the writ petition is taken up for final disposal.

2 The petitioner which is the Management of the Metropolitan Transport Corporation seeks for a direction from this Court to direct the 1st respondent / Labour Court to convert the Execution Petition into a Computation Petition. The reason stated by the petitioner / Corporation is that the claim made in the Computation Petition travels behind the scope of the Award.

3 In my view, this can be a defence to the Execution Petition and that cannot be a reason to convert the Execution Petition into a Computation Petition. That apart, this Court exercising jurisdiction under Article 226 of the Constitution of India, cannot direct the Labour Court to do such an exercise.

4 In the light of the same, the relief sought for by the petitioner, cannot be granted and the writ petition is dismissed, leaving it open to the petitioner / Corporation to raise all pleas before the Labour Court. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

The Presiding Officer
The III Additional Labour Court
Chennai.

+1cc to M/s. T. Feenn Walter Associates, S.R.No.27247
+1cc to Mr.P. Paramasiva Doss, Advocate, S.R.No.27578

LRS (CO)
EU(12/05/2016)

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