

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1410 of 2016 and
WMP.No.1188 of 2016

S.Saran

.. Petitioner

V.

1.The Chairman and Managing Director (CMD),
National Aviation Company of India Ltd (NACIL)
Air India, Nariman Point, Mumbai - 400 021.

2.The Executive Director (Operation & Training)
National Aviation Company of India Ltd (NACIL)
Central Training Establishment (CTE),
Simulator Complex, Ferozguda,
Hyderabad - 500 011.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to reinstate the petitioner in service as per the award dated 21.02.2014 in I.D.No.90 of 2012 on the file of the Central Government Industrial Tribunal cum Labour Court, Chennai with continuity of service and with all attendant benefits.

For Petitioner ... Mr.R.Subramanian

For Respondents .. Mr.SV.Srinivasan
Additional Solicitor General

ORDER

Heard the learned counsel for the petitioner and Mr.SV.Srinivasan, learned standing counsel accepting notice for the respondents and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner seeks for implementation of the Award passed by the Central Government Industrial Tribunal Cum Labour Court, Chennai in I.D.No.90 of 2012 dated 21.12.2014.

3.The learned counsel for the petitioner submitted that the Award has become final and there is no challenge to the Award and no such notice was received by the petitioner.

4.Though the petitioner seeks for issuance of a writ of mandamus to implement the Award, the Industrial Disputes Act, 1947 provides for a remedy in terms of Section 11(b). By virtue of which, a Labour Court or Tribunal has been conferred with power to execute its own order as a decree of a Civil Court. Therefore, the proper procedure to be followed by the petitioner is to take steps to execute the award.

5.Accordingly, the Writ Petition is disposed of, leaving it open to the petitioner to invoke the remedy available under the provisions of the Industrial Disputes Act, 1947. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/-
Assistant Registrar (Cs-IV)

/TRUE COPY/

Sub-Assistant Registrar

Sgl

To

- 1.The Chairman and Managing Director (CMD),
National Aviation Company of India Ltd (NACIL)
Air India, Nariman Point, Mumbai - 400 021.
- 2.The Executive Director (Operation & Training)
National Aviation Company of India Ltd (NACIL)
Central Training Establishment (CTE),
Simulator Complex, Ferozguda,
Hyderabad - 500 011.

+1 CC to MR.R.Subramanian Advocate. SR.NO.2716

WEB COPY

W.P.No.1410 of 2016

CO-KGK
JD 29/01/2016