

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14593 of 2016

V.Periyasamy

.. Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation
(Salem Division I) Ltd.,
No.12, Ramakrishna Road,
Asthampatti, Salem 636 007
rep by its Managing Director

.. Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India seeking for a writ of mandamus directing the respondent to consider the representation dated 26.09.2011 and 20.07.2015 to implement the award passed by the Labour Court, Salem in I.D.No.300/2002 dated 19.04.2004 confirmed by this Court in W.P.Nos.9561 & 6957 of 2005 dated 23.06.2011.

For Petitioner : Mr.Anandh

O R D E R

Heard Mr.Anandh, learned counsel appearing for the petitioner.

2.The petitioner has filed this writ petition for issuance of a writ of mandamus to direct the respondent Corporation to consider his representations dated 26.09.2011 and 20.07.2015 wherein the petitioner has sought for implementation of the Award passed by the Labour Court, Salem in I.D.No.300 of 2002 dated 19.04.2004. The said Award was challenged by the respondent Corporation as well as by the petitioner by filing Writ Petitions in W.P.Nos.9561 and 6957 of 2005 respectively and both the Writ Petitions were dismissed by a common order dated 23.06.2011.

3.The petitioner's case is that the respondent Management did not prefer any Writ Appeal as against the dismissal of their Writ Petition and therefore, they are bound to implement the

Award in its letter and spirit. It is to be pointed out that in terms of Section 11(B) of the Industrial Disputes Act, 1947, the Labour Court or Tribunal shall have the power of a Civil Court to execute its own Award as a decree of a Civil Court and also to execute any settlement as defined in Clause (b) of Section 2 as a decree. Therefore, the petitioner, having an effective remedy by way of initiating execution proceedings to execute and implement the Award, should necessarily avail such a remedy by approaching the Labour Court.

4. Accordingly, the Writ Petition is disposed of giving liberty to the petitioner to file an Execution Petition before the Labour Court, Salem and if the same is filed, the Labour Court shall consider the Execution Petition and take action in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of the petition, after issuing notice to the respondent Corporation. No costs.

va

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Judge, Labour Court,
Salem.
2. The Managing Director,
The Management of
Tamil Nadu State Transport Corporation
(Salem Division I) Ltd.,
No.12, Ramakrishna Road,
Asthampatti, Salem 636 007.

+ 1 cc to M/s.Vijaya & Anandh, Advocate, SR 24593

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