

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2017

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No. 17094 of 2017

G.Thiruvenkatesu @ Thiruvenkatesan

.. Petitioner

Vs

1.The Presiding Officer,
1st Additional Labour Court
Chennai - 1.

2.The Management of National Academy of Customs
Excise and Narcotics,
Plot No.3/86 - E, ATC Road,
Ambattur Industrial Estate,
Chennai 600 058.

3.The Management of Regional Training Institute,
Customs & Central Excise,
Kilpauk, Madras.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other writ or direction, directing the respondents to pay him a sum of Rs.43,028/- with 12% interest from 23.09.1994 to till date.

For Petitioner: Mr.R.Jaikumar & M.Selvalingam
for M/s.T.Fenn Walter Association

सत्यमेव जयते
O R D E R

The grievances of the writ petitioner as set out in this writ petition are that the Labour Court had passed an award in C.P. No.1927 of 1992 on 3rd September 1994. The claim petition filed by the writ petitioner was allowed by the Labour Court, Chennai by directing the respondent-management to deposit a sum of Rs.43,028/- (Rupees Forty Three Thousand and Twenty Eight Only) in the Court until the proceedings in W.P. No.12706 of 1992 is over and the petitioner is entitled to receive the said sum after the proceedings in the writ petition is over.

2. But, based on this award, the learned counsel appearing for the writ petitioner argued that the writ petitioner had sent several representations to the respondents, which have not yielded any result. Further, an execution petition was also

filed before the Labour Court which was also disposed of. The contentions of the learned counsel for the writ petitioner is that, the respondent-management has informed the writ petitioner that the award amount had already been deposited in the Labour Court. But, the Labour Court had returned the payment out petition, on the ground that, no such deposit was made by the management in the account of the claim petition filed and ordered in favour of the writ petitioner.

3. Therefore, the dispute raised is, whether the claim amount had been deposited, before the Labour Court or not? Since, the Labour Court has returned the payment out petition on the ground that no such deposit was made, this Court cannot go into the factual disputes raised between the parties, which are to be decided by adducing evidences and recording the depositions.

4. When there is a factual dispute in this regard, it is left open to the writ petitioner to adjudicate the same before the appropriate forum under the Industrial Disputes Act. There are provisions under the Industrial Disputes Act to redress the grievances of the writ petitioner. Under these circumstances, the writ petition is unnecessary and this Court is not inclined to consider the other grounds raised in this writ petition.

5. Further, it is left open to the writ petitioner to work out his remedy under the manner known to law. In view of the above observations, this writ petition stands dismissed. However, there is no order as to costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

To

1.The Presiding Officer,
1st Additional Labour Court
Chennai - 1.

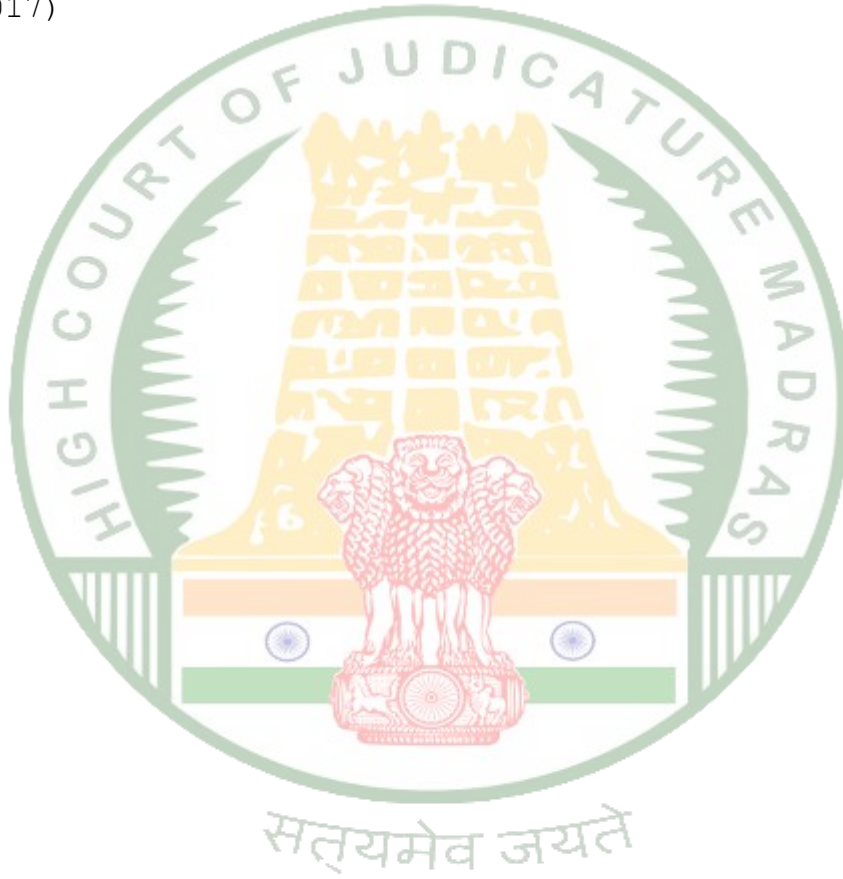
2.The Management of National Academy of Customs
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3.The Management of Regional Training Institute,
Customs & Central Excise,
Kilpauk, Madras.

+lcc to M/s.Fennwalter Associates, sr.47063

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ss(19/7/2017)



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