

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24916 of 2009

and

M.P.No.1 of 2009

1.P.Kittan
2.P.Nagaraj
3.P.Chinna Karuppan
4.S.Sahul Hameed
5.A.Anguraj
6.V.Kurundhachalam
7.R.Maruthan
8.R.Ganesan
9.M.Ayyasamy

C/o.P.Vijayarajan
Secretary, Kamaraj National Labour Organisation,
No.54, Geetha hall Road, Gopalapuram,
Coimbatore - 641 018.

..Petitioners

vs

1. The Labour Court, Coimbatore,
Rep.by its Presiding Officer, Coimbatore - 18.

2. State of Tamil Nadu, rep.by its
Conservator of Forests,
Mettupalayam Road, SFRC Compound,
Coimbatore - 641 002.

3. The Divisional Forest Officer,
Mettupalayam Road,
SFRC Compound, Coimbatore 641 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to implement the Award dt.27.11.2007 in ID Nos.254/2003, 256/2003, 257/2003, 258/2003, 259/2003, 260/2003, 262/2003, 263/03 and 264/2003 passed by the 1st respondent with all attendant benefits.

For Petitioners : Mr.C.K.Chandrasekhar
For Respondents : R1-Court
Mr.E.Manoharan
Additional Government Pleader
(Forests) for R2 & R3

O R D E R

The relief sought for in this writ petition is for a direction to the 2nd and 3rd respondents to implement the Award dt.27.11.2007 in ID Nos.254/2003, 256/2003, 257/2003, 258/2003, 259/2003, 260/2003, 262/2003, 263/03 and 264/2003 passed by the 1st respondent with all attendant benefits.

2.The grievances of the writ petitioners are that they have filed petitions before the Labour Court for reinstatement, continuity of service and backwages. The Labour Court passed an Award on 27.11.2017, granting reinstatement and continuity of service with 25% backwages. Based on the award, the present writ petition is filed to direct the respondents 2 & 3 to implement the Award.

3.Chapter IV, Section-11 of the Industrial Disputes Act 1947, denotes Procedure, Powers and Duties of Authorities. Section 11(9) states as under:

"Every award made, order issued or settlement arrived at by or before Labour Court or Tribunal or National Tribunal shall be executed in accordance with the procedure laid down for execution of orders and decree of a Civil Court under order 21 of the Code of Civil Procedure, 1908."

Section 11(10) states that "The Labour Court or Tribunal or National Tribunal, as the case may be shall transmit any award, order or settlement to a Civil Court, having jurisdiction and such Civil Court shall execute the award, order or settlement as if it were a decree passed by it." Thus, the institution of execution proceedings are contemplated under the Act itself. When there is a provision for the execution of the Award under the Industrial Disputes Act, this Court need not entertain a writ petition under Article 226 of the Constitution of India for implementing the award passed by the Labour Court.

4.This Court is of the opinion that when there is an effective remedy provided under the Industrial Disputes Act for the execution of the Award passed by the Labour Court, there is no reason to entertain a writ petition under Article 226 of the Constitution of India.

5.This being the legal principle to be adopted, the petitioners have to redress their remedy before the appropriate Court of Law, by preferring an Execution Petition as contemplated under the Industrial Disputes Act. Accordingly, this Court is not inclined to consider the prayer as such sought for in this writ petition.

6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. Presiding Officer,
The Labour Court, Coimbatore, Coimbatore - 18.
2. Conservator of Forests,
State of Tamil Nadu,
Mettupalayam Road, SFRC Compound,
Coimbatore - 641 002.
3. The Divisional Forest Officer,
Mettupalayam Road,
SFRC Compound, Coimbatore 641 002.

+1cc to Government Pleader, S.R.No.85266

सत्यमेव जयते

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DK(CO)
CS/27/12/17

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