

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.11.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No. 20134 of 2014

N.Nilakantan

...Petitioner

Vs

The General Manager
Formerly Thiruvalluvar Transport Corporation Ltd.
Presently Tamil Nadu State
Transport Corporation Ltd.
Pallavan Salai, Madras-2.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus Directing the respondent to comply with the award made in I.D.No.360 of 1996 dated 14.08.1997 on the file of the 1st Additional Labour Court Madras directing the petitioners reinstatement with backwages consequent upon the petitioners superannuation directing the respondent to pay the entire arrears of salary with back wages w.e.f. 12.10.1990 together with increments promotional benefits monetary benefits accumulated attendant benefits together with 24% interest per annum accrued and accumulated w.e.f. 12.10.1990 till date of payment.

For Petitioner : Mr.S.R.Sundaram
For Respondents : No appearance

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to comply with the Award made in I.D.No.360 of 1996 dated 14.08.1997 on the file of the 1st Additional Labour Court, Madras directing the petitioner reinstatement with backwages and allowing him to retire from service and settle all other benefits.

2. The present writ petition is filed seeking implementation to the Award passed by the Labour Court in I.D.No.360 of 1996. Interestingly, the Award was passed on 14.08.1997 and the present writ petition is filed on

25.07.2014, after a lapse of about 17 years. Thus, the writ petition itself is liable to be rejected on the ground of laches. This apart, the Industrial Dispute Amendment Act, 2010 provides the procedures for execution of the award passed by the Labour Court- every award made, order issued or settlement arrived at or by or before Labour Court shall be executed in accordance with the procedures laid down for execution of orders and decree of a Civil Court under Order 21 of the Code of Civil Procedure, 1908.

3. When the procedures are contemplated for execution of the award passed by the Labour Court, no writ petition can be entertained under Article 226 of the Constitution of India. Award holder has to approach the appropriate forum for execution of the award passed. This being the legal position and the principles to be followed, this Court is not inclined to entertain the present writ petition. Thus, the petitioner is at liberty to approach the competent forum in the manner known to law.

4. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

The 1st Additional Labour Court, Madras

+1cc to Mr.S.R.Sundaram , Advocate SR.No. 75779

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ASK(17/12/2018)

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