



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.02.2018
CORAM

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

WEB COPY

W.P. (MD) No.14347 of 2011

M.Marichelvam

... Petitioner

-vs-

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye Pass Road,
Madurai-625 010.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent to give review benefits and all other service benefits to the petitioner as per the Longevity Pay Scheme as adopted by the Respondent Corporation.

For Petitioner

: Mr.C.Venkatesh Kumar
for Ajmal Associates

For Respondent

: Mr.A.P.Muthupandian

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to give review benefits and all other service benefits to the petitioner in the revised pay scale.

2.The writ petitioner was employed as a Driver and on account of certain allegations he was terminated from service and an Industrial Dispute was raised and the Labour Court passed an award on 24.03.2008 in favour of the workmen.

3.The learned counsel appearing on behalf of the petitioner states that the award of the Labour Court has not been implemented in its letter and spirit. Though the Labour Court granted continuity of service and other consequential service benefits, the respondent has not granted the revised scale of pay and other pay benefits as applicable as per the pay scheme. Thus, the petitioner is constrained to move the present writ petition.

4.This Court is of an opinion that Section 11 of the Industrial Disputes Act was amended and in Section 11 of the Act after Sub Section 8 following Sub Sections are inserted:-

"9.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.

10. 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."

5. Sub clause 9 states that the procedure laid down for execution of orders and decree of a Civil Court Under Order 21 of the Code of Civil Procedure is to be followed. However, Sub clause 10 enumerates 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.

6. Thus, it is made clear that yet another remedy available to the writ petitioner is to the execution proceedings and to invoke the provisions and necessary application is to be taken out before the Labour Court or before the appropriate Court having jurisdiction. Even otherwise, the writ petitioner has got other remedies under the provisions of the Industrial Disputes Act to claim the admitted benefits.

7. This being the factum of the case, the present writ petition need not be entertained. The Petitioner is at liberty to work out his remedy in the manner known to law.

8. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-
Assistant Registrar (Protocol)

/True Copy/

Sub Assistant Registrar

To

+1cc to M/S. Ajmal Associates, Advocate SR.No. 45758

W.P. (MD) No. 14347 of 2011
01.02.2018