



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.4644 of 2015

WEB COPY

A.Vetham

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Madurai.

2.The Forest Ranger,
Arasanur,
Thirumanjsolai Post,
Sivagangai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to pay the petitioner terminal benefits and other benefits as per award dated 02.08.2013 in CP No.45/12 on the file of the 1st respondent.

For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.D.Muruganandham
Additional Government Pleader

ORDER

It is needless to state that the terminal and pensionary benefits are to be settled in favour of the petitioners, who are all eligible for such benefits. Denial of termination and pensionary benefits are improper, unless there is an impediments to settle the same.

2.The learned counsel for the petitioner states that despite the fact that the Labour Court passed an award in CP.No.45/12 dated 02.08.2013, the terminal benefits due to the petitioner is yet to be settled. However, the disputed issues for settlement of terminal benefits cannot be denied in a writ petition under Article 226 of the Constitution of India, as the petitioner has approached the Labour Court and got an award in his favour in CP.No.45/12.

3.No writ can be entertained for the purpose of execution of the award passed by the Labour Court under the Industrial Disputes Act. Section 11(b) of the Industrial Disputes Act provides an execution of award passed by the Labour Court. Thus, the aggrieved persons are bound to approach the Labour Court for execution of its award by following the procedures contemplated. Contrarily, they cannot approach the High Court for each and every relief under



Article 226 of the Constitution of India, which is not entertainable.

4. In view of the fact that the petitioner is possessing an award in his favour and he is at liberty to approach the Labour Court for the purpose of execution of award in the manner prescribed under the Industrial Disputes Act.

5. With the above observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Presiding Officer,
Labour Court,
Madurai.

2. The Forest Ranger,
Arasanur,
Thirumanjisolai Post,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-26837[F] dated 22/12/2020)

W.P. (MD) No.4644 of 2015
16.12.2020

TP (CO)

KB (30.12.2020) 2P 4C