

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.1744 of 2018

and

CMP.No.9557 of 2018

The Management,
Tamil Nadu State Transport Corporation Salem Ltd.,
Salem Zone,
Represented by its General Manager,
12, Ramakrishna Road,
Salem 636 007 ..Petitioner

Vs.

Tamil Nadu State Transport Corpn Labour Union,
Represented by its Secretary,
Singaram,
S/o.Pazhanimuthu,
4/256, Thuraiyur Main Road,
Alanganatham Post,
Namakkal,
Salem 636 007 ..Respondent

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC to set aside the order dated 05.04.2018 passed by the Labour Court, Salem in REP.No.175 of 2015 in ID.No.176 of 2005.

For Petitioner : Mr.K.Tangam
for Mr.D.Raghu

For Respondent : Mr.S.Ayyathurai

ORDER

This Civil Revision Petition is filed against the order dated 05.04.2018 passed by the Labour Court, Salem in REP.No.175 of 2015 in ID.No.176 of 2005, thereby directed the petitioner to pay a sum of Rs.4,02,522/- with interest at the rate of 9% on or before 03.05.2018, failing which arrest warrant will be issued.

2. The respondent is the claimant in the industrial dispute raised by the respondent against the petitioner herein. By the award dated 29.07.2008, the Labour Court set aside the order passed by the petitioner and directed the petitioner to pay the with-hold increment and set at right the monthly salary based on the increment and pay the accrued balance of monetary benefits to the respondent. Even till today, the petitioner failed to challenge the said award in the manner known to law. In pursuant to the said award, the respondent filed execution petition and sought execution of the award passed by the Labour Court. The petitioner filed counter and the execution court considered the counter filed by the petitioner herein and allowed the execution petition as per the award and directed the petitioner to pay a sum of Rs.4,02,522/- till 01.02.2018 and after 01.02.2018, the

petitioner is directed to pay with interest at the rate of 9%, failing which the petitioner is directed to pay the said amount with interest at the rate of 12% on or before 03.05.2018, and if the petitioner fails to pay, arrest warrant will be issued.

3. Admittedly, the petitioner did not challenge the award passed by the Labour Court and award passed by the Labour Court became final. Accordingly, the execution court passed the above order and directed the petitioner to pay the said amount. While admitting the civil revision petition, this Court granted interim stay on condition that the petitioner shall deposit 50% of the award amount and the same was duly complied with.

4. Considering the above, the impugned order in respect of issuance of arrest warrant alone is set aside and further time is extended for the petitioner to comply with the order passed by the execution court till 12.07.2021, failing which the court below is at liberty to issue arrest warrant as against the petitioner in the manner known to law.

G.K.ILANTHIRAIYAN,J.

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5. The learned counsel for the respondent submitted that the claimant died. Therefore, legal heirs of the deceased claimant are at liberty to file necessary petition before the execution court to implead themselves as parties.

6. Accordingly, this civil revision petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

24.06.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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To

The Labour Court,
Salem

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