



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.21171 of 2021

and

W.M.P.No.22457 of 2021

Anakkavoor Panchayat Union
rep. by its Block Development Officer,
Anakkavoor Cheyyar Taluk,
Tiruvannamalai District.

...Petitioner

Vs.

K.Vedapuri

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, prayed to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the Labour Court dated 31.08.2021 in E.P.No.573 of 2018 in I.D.No.103 of 2011 and to quash the same.

For Petitioner : Mr.Shivashanmugasundaram

For Respondent : Mr.Ramesh Ramachandran

O R D E R

This Writ Petition is heard through Video Conferencing on 01.10.2021.

2. The present Writ Petition is filed against the order of the Execution Court, whereby re-arrest was ordered by 27.09.2021. The only ground raised by the petitioner is that though they have failed while challenging the Award of the Labour Court before the learned Single Judge, as well as the Hon'ble Division Bench, they seek indulgence of this Court to the execution proceedings on the strength of a Review Petition that has been presented before the Hon'ble Division Bench (and which is yet to be numbered).

3. When the petitioner had failed in challenging the Original Award, the order of rejection passed by the Hon'ble Division Bench would be binding on this Court. In other words, the Award stands ratified by the decision of the Hon'ble



Division Bench and hence the consequential execution proceedings, which emanates from such Award, cannot be interfered with by this Court. A mere presentation of a Review Petition may not be a sufficient ground to stay the execution proceedings. I do not find any bona-fides in the conduct of the petitioner while ignoring the Award as well as the orders passed by the learned Single Judge and the Hon'ble Division Bench. Though the Award was passed way back in the year 2012, there is nothing on record to show that the respondent herein was paid the last drawn wages under Section 17B of the Industrial Dispute Act, 1947. A mere claim made by the petitioner that they have deposited 50% of the back wages as awarded by the Labour Court, will not suffice to interfere with the execution proceedings.

4. Hence, I do not find any merits in the present Writ Petition. Accordingly, the Writ Petition stands dismissed. It is made clear that the Principal Labour Court, Vellore, shall be at liberty to proceed with its earlier order dated 31.08.2021. Consequently, the connected miscellaneous petition is closed. There shall be no orders as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

DP/hvk/ata

To
The Principal Labour Court,
Vellore.

+1cc to Mr.Shivashanmugasundaram, Advocate, S.R.No.51085

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NSK 05/10/2021