



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.04.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P (MD) No.1200 of 2017

General Secretary,
Nellai, Chithambaranar, Kumari District,
State Transport Employee's Union,
Registered No.468/Tirunelveli,
4-C, Imperial Compound 1st Floor,
Peratchi Amman Kovil Street,
Vannarpettai, Tirunelveli-3,
Tirunelveli District. ... Petitioner/Petitioner/Petitioner

Vs.

The Management,
Tamil Nadu State Transport Corporation,
(Madurai Division-2),
Tirunelveli Region,
Tirunelveli District. ... Respondent/Respondent/ Respondent

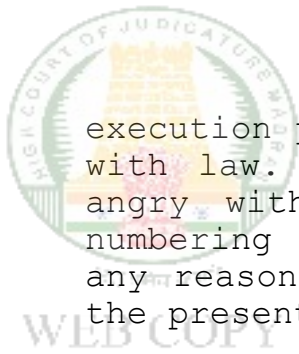
PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India as against the fair and decreetal order, dated, 06.02.2017, passed in E.P.No.23 of 2016 in I.D.No.5 of 2013 on the file of the Labour Court, Tirunelveli.

For Petitioner : Mr.N.Madhava Govindan

For Respondent : Mr.K.Sathiya Singh

ORDER

The petitioner in the revision petition was imposed with the punishment of stoppage of increment for a period of one year by the management. The said order was challenged by the workman in I.D No.5 of 2013 before Labour Court, Tirunelveli. The learned labour Judge was pleased to allow the I.D and set aside the punishment imposed upon the workman. Since the said order was not complied with by the management, the workman filed E.P.No.23 of 2016 before Labour Court, Tirunelveli under Order 21 Rule under Sections 37 and 38 of the Code of Civil Procedure. Originally, the said Execution Petition was not numbered by the Labour Court. Hence, the workman preferred C.R.P (MD) No.2301 of 2016, in which, Labour Court was directed to number the



execution petition and proceed the same on merits and in accordance with law. After numbering the same, the learned Labour Judge got angry with the workman for approaching the High Court for not numbering the same and dismissed the application without assigning any reasons whatsoever. As against the same, the workman has filed the present revision petition.

2. Heard the learned counsels appearing on either side.

3. Admittedly, there is an award in favour of the revision petitioner by the Labour Court. It is also an admitted fact that the management is yet to comply with the award passed by the Labour Court. The workman has filed execution petition before Labour Court, Tirunelveli. However, quoting wrong provision of law, as if the execution petition has been filed under the Code of Civil Procedure. In fact, the said application has been filed under Section 33 (C) (2) of Industrial Disputes Act, seeking to execute the award passed by the Labour Court on 15.03.2013. The order passed by the Labour Court, Tirunelveli on 06.02.2017 is hereby set aside. The Labour Court is directed to give execution proceedings under Section 33 (C) (2) of Industrial Disputes Act, and pass orders on merits and in accordance with law after giving due opportunity to both the parties.

4. Accordingly, this Civil Revision Petition is allowed to the extent as stated above. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Judge, Labour Court,
Tirunelveli.



2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC to M/s.K. SATHIYA SINGH, Advocate (SR-17804[F] dated 11/04/2022)

+1 CC to M/s.N. MADHAVAGOVINDAN, Advocate (SR-17768[F] dated 11/04/2022)

Order made in
C.R.P (MD) No.1200 of 2017
08.04.2022

SS/11.05.2022 : 3P/6C