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Cont.P.No.288 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2023

CORAM:

THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

Cont.P.No.288 of 2023

The General Secretary,
Tamil Nadu Grama Bank Workers Union,
Regn.No.457/VDR,
3/12, M.K.Nagar, Seelanaickenpatti,
Salem-636 201.

.. Petitioner

..Vs..

S.Selvaraj,
The Chairman,
Tamil Nadu Grama Bank,
Head Office, Yercaud Road,
Hasthampatti, Salem-7.

.. Respondent

Prayer : Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the respondent for wilful contempt and non-compliance of the order of this Court passed in W.P.No.22682 of 2005 dated 25.10.2021.

For Petitioner : M/s.D.Geetha

For Respondent : Mr.N.G.R.Prasad

ORDER

By an order dated 25.10.2021 this Court in W.P.No.22682 of 2005 passed the following order:-



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"6. With these observations, the impugned award, insofar as it relates to fixing the entitlement of computer increment to the employees of the petitioner-bank, is modified to the effect that such employees would be entitled for the computer increment, "from the date on which the bank was fully computerised". The Writ petition stands disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed."

2. Aggrieved against the said order, the W.A.No.1135 of 2022 is filed on 10.06.2022 and the same was dismissed. As against that order they filed SPL.AP(c)No.15169 of 2022, dated 10.10.2022 before the Supreme Court and the same was dismissed. Thereupon, it is represented by Mr.N.G.R.Prasad, learned counsel for the respondent/Tamil Nadu Grama Bank that they have filed a Review Application No.90 of 2023 before the Division Bench.

3. At this juncture the contempt application has also been filed on 09.06.2023, the case is posted today. The contempt petition should have been filed before the Review Application.



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4. Today, Mr.N.G.R.Prasad, learned counsel contended that for implementation of the order of this Court which has modified the award passed by the Labour Court, they have to move the Execution Application before the Labour Court and not by way of contempt application and the learned counsel relied upon the judgment of the Division Bench of this Court in Cont.A.No.381 of 2001, dated 02.07.2001 wherein it is held as under:

"For enforcing award, procedure provided in I.D Act to be followed, contempt application no substitute for execution of award of Labour Court as modified by High Court in writ appeal."

5. Hence I find that the parties can agitate the right before the Labour Court. It is open to the petitioner herein to move the appropriate Execution Petition before the appropriate Court.

6. Accordingly, this Contempt Petition is closed. No costs.

02.08.2023

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Internet: Yes/No

Neutral Citation: Yes/No



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RMT.TEEKAA RAMAN,J.,

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