



C.R.P(MD)No.1598 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.06.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.R.P(MD)No.1598 of 2014

and

M.P(MD)No.1 of 2014

1.The Executive Engineer,
TWAD Board RWS Division,
Sivagangai.

2.The Managing Director,
TWAD Board,
Chepauk,
Chennai.

... Petitioners

Vs.

1.V.Lakshmi Narayanan
2.G.Arumugam
3.A.Arockiyasamy
4.C.Kanagarajan
5.K.Jalal

6.The District Collector,
Sivagangai.

7.The Commissioner,
Panchayat Union,
Devakottai.

... Respondents



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PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pursuant to orders passed by the Labour Court, Madurai in E.P.No.37 of 2012 in C.P.No.117 of 1997 dated 01.07.2014, in which an order of attachment of the first petitioner's Jeep bearing Registration No.TN 63 B 1667 (Mahendra) has been passed and set aside the same.

For Petitioner : Mr.Vijay Karthikeyan

For R-1 to R-5 : Mr.T.Ravichandran

For R-6 & R-7 : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

This Civil Revision Petition is preferred as against the order passed by the labour Court, Madurai on 01.07.2014 in the execution petition in E.P.No.37 of 2012 in C.P.No.117 of 1997. For the sake of convenience, the parties herein are referred to as arrayed in E.P.No.37 of 2012.

2. The petitioners filed the execution petition in E.P.No.37 of 2012 to execute the order of the labour Court, Madurai passed on 23.09.2010 in C.P.No.117 of 1997. The petitioners' case is that they have filed a claim



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petition in C.P.No.117 of 1997 claiming backwages on which the labour Court, Madurai passed orders on 23.09.2010 directing the respondents to pay the amount mentioned in the petition to the petitioners within three months from the date of receipt of that order. Since the respondents did not choose to make any payment, the petitioners left with no other option filed E.P.No.37 of 2012. The same was dismissed on 01.07.2014. Challenging the same, this Civil Revision Petition is filed.

3. The learned Counsel for the revision petitioner submitted that the petitioners were not permanent employees of the respondents in E.P but they are only engaged as daily wage workers temporarily and on that basis the petitioners' proceeding before the Deputy Commissioner under the Payment of Wages Act in PW 37/1994 was dismissed. Suppressing the dismissal of the petitioners' proceeding before the Deputy Commissioner, the said E.P was filed. The very same defence was taken by the revision petitioner even before the Execution Court.



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4. The learned Counsel for the respondents herein vehemently submitted that without challenging the order passed in C.P.No.117 of 1997, the petitioners herein are not entitled to make any such objections and moreover, it is a settled law that the Executing Court cannot go behind the decree or award and it is seen from the perusal of the records that by the strength of stay granted by this Court as early as on 25.07.2014, this matter has been kept in abeyance and the respondents herein, that is, the execution petitioners were prevented successfully from enjoying the fruits of the orders of the E.P proceedings in their favour.

5. In view of the fact that the Executing Court cannot go behind the decree or award and the fact that the petitioners herein without challenging the C.P order in C.P.No.117 of 1997 has filed this Civil Revision Petition. This Court is not inclined to entertain this petition and hence, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

14.06.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
BTR

To

- 1.The Labour Court,
Madurai.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

BTR

Order made in
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