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Contempt Petition No.1554 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Contempt Petition No.1554 of 2025

R.Dharani Manikandan

... Petitioner

Vs.

S.Manikandan (H.R.Manager)

The Management of NVH India Auto

Parts Private Limited

Plot No.B.68, SIPCOT Industrial Park

Irungattukottai, Sriperumbudur

Kanchipuram District.

... Respondent

**Prayer:** Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for his wilful disobedience of the order dated 27.11.2023 passed by this Court in W.P.No.15575 of 2018.

For Petitioner : Mr.K.Sudalai Kannu

For Respondent : No appearance

**ORDER**

The petitioner herein seeks to enforce the order passed in W.P.No.15575 of 2018, in and by which, the order dated 10.07.2017 passed by the I Additional Labour Court, Chennai, in I.D.No.777/2015, was confirmed.



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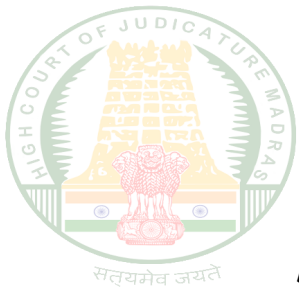


2. The Labour Court in its order, had directed the Management to reinstate the petitioner with continuity of service and to pay 50% backwages along with other attendant benefits. The respondent-Management has not implemented the said order. Thereafter, for obtaining the backwages, the petitioner has moved the computation petition before the Labour Court.

3. The petitioner, alleging non-compliance of the reinstatement order by the respondent-Management, has moved the present contempt petition. The respondent-Management has filed a counter, in which, he has contended that the remedy available to the petitioner is not in the form of writ petition, but only by filing necessary application under Section 11B of the Industrial Disputes Act.

4. Heard the learned counsel for the petitioner.

5. Section 11B of the Industrial Disputes Act, 1947 would read as follows :

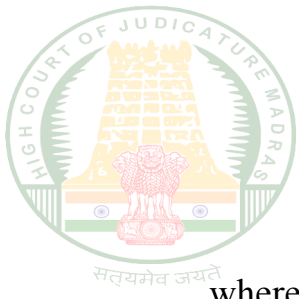


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*"11B : Power of Labour Court or Tribunal to execute its award by decree:- A Labour Court or Tribunal shall have the power of a Civil Court to execute its own award and order as a decree of a Civil Court and also to execute any settlement as defined in clause (p) of section 2 as a decree."*

In a judgment of High Court of Uttarakhand at Nainital in a batch of writ petitions in Writ Petition (S/S) No.662 to 665 of 2024, while considering the writ petitions filed seeking a direction for implementation of the award, the learned Judge has observed as follows :

*"5. Petitioner instead of approaching the Labour Court for execution of award has approached this Court directly by filing the present writ petition seeking the aforesaid directions. The remedy to execute the award lies with the Labour Court. It needs to be mentioned at this stage that Section 11(9) of the Industrial Disputes Act, 1947 speaks that every award made by a labour court shall be executed in accordance with the procedure laid down for execution of orders and decree of a civil court under Order 21 of the Code of Civil Procedure, 1908. This Court cannot be converted into an Executing Court for execution of award passed by the Labour Court, which is a decree for the purpose of execution and shall be executed like a decree of civil court."*



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6. Therefore, in the light of the language of Section 11B of the Act, where the Labour Court has been vested with the power of a Civil Court to execute its own award, the remedy available to the petitioner is to invoke the provisions of Section 11B of the Industrial Disputes Act, and not by filing a writ petition under Article 226 of the Constitution. Once the statute provides a particular mode of procedure, that mode of procedure has to be followed.

7. With the above observation, the contempt stands dismissed. It is well open to the petitioner to file necessary execution petitions before the Labour Court.

**31.07.2025**

Index : Yes/No  
Neutral Citation : Yes / No  
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P.T. ASHA, J.

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