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Cont. P.No. 2433 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

Cont. P.No. 2433 of 2025

P. Paul Devakumar

...Petitioner

Vs.

R. Sivakumar

...Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempts of Courts Act, to punish the respondent herein for having not only violated but also disobeyed the order of this Court made in WP.No.13618 and 14129 of 2014 and 33698 of 2018 dated 18.09.2024.

For Petitioner : Mr. P.Solomon

For Respondent : Mr. S.Ravikumar
Special Government Pleader.
(Co-op).

ORDER



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The petitioner herein seeks to enforce the order passed in WP.No.13618 and 14129 of 2014 and 33698 of 2018, in and by which, the orders passed by the I Additional Labour Court, Chennai, in I.D.No.221 of 2007, CP.No.1860 of 2011 and CP.No.156 of 2016 were confirmed.

2. The Labour Court in its order, had directed the Management to pay 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 order by the respondent-Management, has moved the present contempt petition. The learned counsel for the respondent-Management 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.



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4. Heard the learned counsel for the petitioner.

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

"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



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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 procedure, that 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.

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Index : Yes/No
Internet : Yes/No

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