



WEB COPY

CRP No. 3377 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

CRP No. 3377 of 2025

&

CMP.No.18513 of 2025

Deputy Registrar
Co-operative Societies (Non Credit),
Kuralagam, Chennai 600 104

..Petitioner

Vs

1. Krishnan
S/o.Raman, Chintamani Illam, No.6, 5th Cross
Street, Lakshmi Nagar, Porur,
Chennai -600 116.
2. The Management of DMS Staff Canteen
DMS Compound Government Officials Co op.
Canteen, Teynampet, Chennai .

..Respondents

Prayer: Civil Revision Petition filed under Art.227 of the Constitution of India praying to strike off the Execution Proceedings as against the Petitioner in EP No. 10 of 2022 in CP No. 606 of 2014 on the file of I Additional Labour Court, Chennai and thus render justice.

For Petitioner : Mrs. R. Anitha,
Special Government Pleader

For Respondent : Mr.S.T.Varadarajulu for
P.Ganesha Murthy
for R1



ORDER

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This Civil Revision Petition is filed to strike off the Execution Proceedings as against the Petitioner in EP No. 10 of 2022 in CP No. 606 of 2014 on the file of I Additional Labour Court, Chennai.

2. The facts of the case leading to filing of the present Civil Revision Petition is as follows:

(i) The 1st respondent herein/employee raised an industrial dispute in I.D.No.539 of 1989 against the Management of DMS Staff Canteen, DMS Compound, Teynampet, Chennai-6 challenging his dismissal from service. By order dated 06.08.1990, the said ID was allowed in favour of the 1st respondent and he was directed to be reinstated in service with all consequential benefits.

(ii) Pursuant thereto, the 1st respondent filed C.P.No.148 of 1991 claiming his back wages till 31.10.1990 and thereafter, he filed CP.No.606 of 2014 claiming an amount of Rs.45,07,679 towards his back wages.

(iii) In C.P.No.148 of 1991, the Labour Court, by its order dated 24.01.1992 directed the respondent therein to pay Rs.28,450.60 to the 1st respondent/employee. In CP.No.606 of 2014, by order dated 10.12.2015, the I Addl. Labour Court, Chennai ordered the petitioner to pay a sum of Rs.45,07,679/- towards wages and other benefits.

(iv) For executing the order passed in CP.No.606 of 2014, the employee



has filed E.P.No.195 of 2016 against the petitioner, wherein, the Labour Court, by order dated 10.10.2017, directed the petitioner to pay Rs.1,07,679/- on or before 10.11.2017, failing which, attachment for movables described in the schedule will follow.

(v) Since the petitioner has not implemented the order, the 1st respondent/employee has filed E.P.No.10 of 2022 seeking arrest of Deputy Registrar (N.C) , Co-operative Societies, Chennai.

(vi) Aggrieved by the petition seeking arrest of the petitioner, the present Civil Revision Petition is filed.

3. The learned Govt. Pleader appearing for the petitioner would submit that the 1st respondent/employee has raised an industrial dispute in I.D.No.539 of 1989, as against the DMS staff Canteen, DMS Compound, Teynampet and the said petition was allowed in his favour and an award was passed on 06.08.2019. For execution of the award passed earlier, the 1st respondent/employee has filed E.P.No.195 of 2016 and the same was disposed of by the Labour Court on 10.10.2017 directing the petitioner to settle the wages and benefits, failing which attachment will follow. Since the wages and benefits were not settled, again, the respondent filed the present impugned E.P.No.10 of 2025 before the Labour Court, Chennai seeking civil arrest of the petitioner.



4. He further submitted that in fact, the petitioner is not a party to the Industrial Dispute proceedings and the subsequent proceedings initiated in C.P.No.148 of 1991, C.P.No.606 of 2014 and E.P.No.10 of 2022. The 1st respondent/employee has worked only in a private canteen and he was dismissed from private canteen on 15.10.1988 and a Co-operative canteen was registered in the same place on 20.01.1992. In ID.No.539 of 1989 and C.P.No.148 of 1991, the employer was shown only as '*Management, DMS Staff Canteen, DMS Compound, Teynampet Chennai*', whereas in C.P.No.606 of 2014, the address of the respondent was shown as *Management, DMS Staff Canteen (DMS Valaga Arasu Aluvalargal Kooturavu Arundagam) Teynampet, Chennai. (i.e.,) DMS Compound Government Officials Cooperative Canteen* which is different from each other.

5. It is his further submission that the Labour Court did not consider the fact that the 'Government Officials Co-operative Canteen Ltd', DMS Campus was registered only on 20.01.1991 and the case of the 1st respondent is with respect to a private canteen run in the same place by a private individual between 31.01.1983 and 15.10.1988. When a person is not a party in the ID proceedings, filing Execution Petition against him is not a sustainable one, hence, the EP itself is misconceived. Accordingly, he prayed for allowing the Civil Revision Petition.



6. Learned counsel appearing for the 1st respondent submitted that the earlier staff canteen was run by the in charge of the person under the control of the petitioner and now the staff canteen was taken over by the present petitioner, thereby, the present EP is filed against the petitioner. Accordingly, he prayed for passing appropriate orders.

7. Heard the learned counsel for the petitioner as well as learned counsel for the 1st respondent and perused the materials available on record.

8. Perusal of records, it is seen that C.P.No.606 of 2014, was filed against the Management, DMS Staff Canteen (DMS Valaga Arasu Aluvalargal Kooturavu Arundagam) Teynampet, Chennai. (i.e.,) DMS Compound Government Officials Cooperative Canteen, whereas, I.D.No.539 of 1989 and C.P.No.148 of 1991 was filed against the 'Management, DMS Staff Canteen, DMS Compound, Teynampet, Chennai. It is also revealed from the records that the petitioner society was formed only on 20.12.1991 and not in existence when the 1st respondent/employee was working from 31.01.1983 to 15.10.1988, pertaining to which period, the 1st respondent/employee has raised ID against his removal from service. Thus it is apparent that when a person is not a party in the ID proceedings, filing Execution Petition in pursuance of ID proceedings against such person is not sustainable. Therefore, the impugned EP is liable to be set aside.



9. In view of the above, the impugned E.P.No.10 of 2022 initiated against the petitioner is set aside . Accordingly, the Civil Revision Petition is allowed.

However, liberty is granted to the respondent to work out the remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

02-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. I Additional Labour Court, Chennai
2. The Management of DMS Staff Canteen
DMS Compound Government Officials Co op.
Canteen, Teynampet, Chennai .



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M.DHANDAPANI J.

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