
(2018) 01 KL CK 0069
In the High Court Of Kerala
Case No : 1413 of 2017

SAJAN ANTONY

APPELLANT

Vs

RAVEENDRAN

RESPONDENT

Date of Decision : 10-01-2018

Acts Referred:

[Industrial Disputes Act, 1947](#), [Section 33\(c\)\(2\)](#) - Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings

Citation : (2018) 01 KL CK 0069

Hon'ble Judges : Antony Dominic, Dama Seshadri Naidu

Bench : Division Bench

Advocate : N.N.SUGUNAPALAN, S.SUJIN, V.ABRAHAM MARKOS, ABRAHAM JOSEPH MARKOS, ISAAC THOMAS, HARAN THOMAS GEORGE, P.G.CHANDAPILLAI ABRAHAM, RACHEL ABRAHAM

Judgement

1. This Contempt Petition is filed seeking initiation of proceedings under the Contempt of Courts Act on the ground that the respondent has

violated the directions of this Court in the judgment in W.A.No.2145 of 2015.

2. We heard the counsel for the petitioner and the learned counsel appearing for the respondent. On facts, we find that the petitioner had raised

disputes under the Industrial Disputes Act as I.D.No.16 of 2009 on the file of the Central Government Industrial Tribunal cum Labour Court,

Ernakulam. The said dispute was answered by the Labour Court by Annexure A1 award directing that some of the employees of the canteen

attached to the Cochin Port Trust be regularised in their services.

3. The Cochin Port Trust successfully challenged the award in WPC No.5954 of 2012. The petitioner filed an appeal against the said judgment as

W.A.No.2145 of 2015. By judgment dated 21st December 2016, the appeal was

allowed and the award was restored to file. In the judgment, taking note of the submission that some of the beneficiary workers have already attained the age of superannuation and retired from service, this Court directed that they be paid monetary benefits and that the remaining of them be regularised. In this petition, it is alleged that the respondent has not complied with the aforesaid directions and therefore, is liable to be proceeded against under the Contempt of Courts Act.

4. On considering the submissions made to the above effect, we are of the view that the net effect of the judgment of the Division Bench of this Court is that the award rendered by the Industrial Tribunal has to be restored. In such a situation, if the award has not been complied with, the remedy available to the parties to the dispute is to seek enforcement of the award in terms of the provisions contained in the Industrial Disputes Act itself either by filing an application under Section 33(c)(2) or by initiating such other proceedings that are provided therein. In such situation, the remedy being the above and not this petition filed for initiating proceedings under the Contempt of Courts Act, this petition is misconceived and is therefore, closed.