

(1996) 09 DEL CK 0032
In the Delhi High Court
Case No : C.W. No. 2793 of 1990

Narender Singh

APPELLANT

Vs

District Collection Officer and Others

RESPONDENT

Date of Decision : 25-09-1996

Acts Referred:

Citation : (1997) 75 FLR 52 : (1997) 1 LLJ 274

Hon'ble Judges : Y.K. Sabharwal, J;D.K. Jain, J

Bench : Division Bench

Judgement

Rule D.B.

1. The petitioner seeks issue of directions to respondent No. 1 directing respondents to execute the Recovery Certificate dated October 19, 1989 in favor of the petitioner.

2. On February 1, 1989, Labour Court made an Award in favor of the petitioner and in terms of the Award a certificate dated October 19, 1989 was issued certifying that Rs. 6014/- are due to petitioner from Respondent No. 2. Thereafter, the petitioner demanded compliance of the order dated February 1, 1989 and payment of the amount as per recovery certificate. Since the recovery certificate was not executed for considerable time, the petitioner filed this petition in August, 1990 seeking the relief.

3. It appears that the recovery certificate was issued on the basis of award which was passed ex parte against respondent No. 2. When the petition came up for hearing before this court on August 29, 1991, it was represented for the respondents that an application for setting aside the award had been filed and is pending. The Writ petition was adjourned with directions parties to bring to the notice of the Registry after application for setting aside the award had been disposed of by the Tribunal. The intimation about dismissal of the said application by the Industrial Tribunal-I vide its order dated September 13, 1994 was furnished by the Petitioner on February 6, 1996. On last date of hearing counsel

for the respondent prayed for time to take instructions. Learned Counsel for the respondents is unable to State even today as to what steps have been taken after order was passed on September 13, 1994. The award in favor of the petitioner was made more than seven years ago. Even the recovery certificate was issued way back in October, 1989. The amount has still not been paid.

Accordingly we allow the petition and direct respondent No. 1 to forthwith execute the recovery certificate and pay the sum stated in the recovery certificate to the petitioner. The petitioner would also be entitled to costs quantified at Rs. 1,000/-. In case the amount is not paid to the petitioner within two months the amount of recovery certificate will carry interest at the rate of 18% from the date of recovery certificate.