

(2024) 04 UK CK 0139

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 662, 663, 664, 665 Of 2024

Naveen Ram & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 25-04-2024

Acts Referred:

Industrial Disputes Act, 1947 — Section 11(9)

Citation : (2024) 04 UK CK 0139

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Harendra Belwal, Rajeev Singh Bisht, Atul Bahuguna, Narayan Dutt, Bhupendra Singh Koranga

Final Decision : Dismissed

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties. The grievance of the petitioners are common in this batch of writ petitions, therefore, all the petitions have been taken together and are being decided together. For the sake of clarity, facts of WPSS No.663 of 2024 have been taken into consideration.

2. By means of this writ petition, petitioner has sought indulgence of this Court seeking a direction in the nature of mandamus commanding the respondents to give joining to the petitioner in the office of the respondent no.4 and grant him all consequential benefit as directed by Deputy Secretary, Government of Uttarakhand through respondent-department in view of the award passed by the Presiding Officer, Industrial Tribunal and Labour Court, Haldwani (Nainital) in Adjudication Case No.17 of 2018 dated 29.07.2022.

3. It is the case of the petitioner that he was working with the respondent-department since 2007 as daily wager. Unfortunately, his services were terminated by the respondent-department on 21.10.2016. The matter was taken up to the State Government for a reference to the Ld. Labour court as an

industrial dispute and Adjudication Case No.17 of 2018 was instituted before the Labour Court, Haldwani, District Nainital.

4. The learned Labour Court by reason of its judgement and award dated 29.07.2022 allowed the reference of the petitioner and directed the competent authority to reinstate the petitioner on the post on which he was working before his termination.

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.

6. Accordingly, all writ petitions being devoid of any merit are hereby dismissed in limine.

7. Pending applications, if any, stand disposed of accordingly.