

(2011) 02 GUJ CK 0047
In the Gujarat High Court

Case No : Special Civil Application No. 2342 of 2011

Rakeshkumar Ramnaresh Tiwari

APPELLANT

Vs

District Collector and Another

RESPONDENT

Date of Decision : 24-02-2011

Acts Referred:

Citation : (2011) 02 GUJ CK 0047

Hon'ble Judges : K.M. Thaker, J

Bench : Single Bench

Advocate : U.T. Mishra, for the Appellant; Moxa Thakkar, Asst. Government
Pleader for Respondent(s) 1, for the Respondent

Judgement

K.M. Thaker, J.—Mr. Mishra, learned advocate for the Petitioner has prayed for leave to amend the cause title so as to delete Respondent No. 2.

2. Leave to amend is granted. The amendment to be carried out forthwith.

3. Heard Mr. Mishra, learned advocate for the Petitioner and Ms. Moxa Thakkar, learned AGP for the Respondent. Rule. Ms. Moxa Thakkar learned AGP waives service of process on behalf of the Respondent No. 1. With the consent of the learned advocate appearing for both the sides, the petition is finally heard and decided today.

4. The Petitioner has preferred the present petition with an allegation that the recovery certificate which came to be issued by labour Court on 24.6.2010 has not been executed. It is alleged that though almost 1 year has passed since issuance of the recovery certificate for a sum of Rs. 8,36,738/- the Respondent No. 1 has not taken any steps to recover the amount certified by the labour Court by virtue of the certificate dated 24.6.2010.

5. Learned AGP for Respondent No. 1 does not have any instructions at this stage, as regards the steps taken or not taken for executing recovery certificate issued in June 2010. Therefore following order is passed.

6. If any steps until now are not taken for executing the aforesaid recovery certificate then the Respondent No. 1 shall take all necessary steps so as to finally execute the recovery certificate and recover amount in question, within four months from the receipt of certified copy of this order and thereafter, upon realization (within 4 months) of the payable amount to the Petitioner, within ten days after realization of the amount, make the payment of the amount to the Petitioner.

7. With the aforesaid clarifications the petition is disposed of. Rule is made absolute to the aforesaid extent.