
(2012) 01 RAJ CK 0001
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1618 of 2011

Water Meter Reader Association	Vs	APPELLANT
State of Rajasthan and Others		RESPONDENT

Date of Decision : 09-01-2012

Acts Referred:

Industrial Disputes Act, 1947 — Section 11, 11(9)

Citation : (2012) 01 RAJ CK 0001

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

-ORDER

Hon"ble Dr. Justice Vineet Kothari

1. This writ petition has been filed by the petitioner-Association seeking implementation of award dated 21.10.1994 (Annex.1) passed by learned Labor Court, Jodhpur in Labor Dispute Case No. 9/1989 Mahamantri, Water Meter Reader Association Vs. Chief Engineer, PHED, Jaipur. The learned Tribunal by its award directed grant of pay scale of Meter Reader and Meter Inspector from 1.9.1968 in place of 1.9.1983.

2. Thus, by way of present writ petition, the petitioner- Association seeks implementation of the said award dated 24.10.1994.

3.By amendment of Section 11 of the Industrial Disputes Act, 1947 providing for procedure and power of Conciliation Officer, Board, Courts and Tribunals by insertion of sub-Section (9) therein by Act No. 24 of 2010 w.e.f. 15.09.2010, the award made by the Tribunal is now an executable decree before the civil court in accordance with Order 21 of CPC. Sub-Section (9) of Section 11 is reproduced herein below for ready reference:

11. Procedure and power of conciliation officer, Boards, Courts and Tribunals

(1) to (8)...

(9). Every award made, order issued or settlement arrived at by or before Labor Court or Tribunal or National Tribunal 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 (5 of 1908).

4. In view of availability of this alternative remedy available to the petitioner to get execution of award before the civil court in accordance with Order 21 of the CPC, this writ petition for implementation of award cannot be entertained. The amendment in law appears to have been made to save higher court to become an executing court for a decree passed by a lower court viz. the Industrial Tribunal.

5. Consequently, this writ petition is dismissed with liberty to the petitioner to seek execution of the said award/decreed before the executing court i.e. Civil Court in accordance with provisions of Order 21 of Civil Procedure Code. Copy of this order be sent to the learned Industrial Tribunal and opposite parties forthwith for information.