

**Court No. - 20**

**Case :-** WRIT - A No. - 7868 of 2023

**Petitioner :-** Karam Chandra

**Respondent :-** State Of U.P. Thru. Prin. Secy. Irrigation Deptt. Lko. And 3 Others

**Counsel for Petitioner :-** Rakesh Kumar Tiwari

**Counsel for Respondent :-** C.S.C.

**Hon'ble Manish Mathur,J.**

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.

2. Petition has been filed for the following reliefs:-

*"a. issue writ, order or direction in the nature of Mandamus thereby directing the opposite party no.3 to pay all consequential benefits in terms of Labour Court award dated 17.06.1997 including deemed to have been regularized the services of petitioner w.e.f. 10.03.1998 and pay the arrears of regularized salary in revised pay scale w.e.f. 10.03.1998 on the post of Mali, Class-IV employee as the several similarly situated and juniors to the petitioner have paid and pay the entire retiral dues, leave encashment, gratuity, increments continuity of service benefit of three ACP, benefit IVth to VII pay commission report and pay the permanent pension alongwith arrears and all the dues pay with 09% interest under the law, in the interest of justice.*

*b. issue such other order or direction which this Hon'ble court may deem, fit, just and proper may also kindly be passed in favour of the petitioner.*

*c. Allow the writ petition with cost in favour of the petitioner."*

3. It has been submitted that initially petitioner had filed a claim petition before Labour Court which was allowed and challenge thereto before this Court as well as Hon'ble Supreme court has been rejected. It is submitted that in the meantime petitioner has filed execution proceedings before Labour Court. Learned counsel for petitioner does not have any instructions as to fate of the execution application.

4. Even otherwise in case the aforesaid execution application is pending, petitioner already has a liberty to raise his grievance therein. In case the execution application has already been rejected with which the petitioner is aggrieved, he has a liberty to challenge the same and for the said purpose present writ petition seeking a mandamus to opposite parties to pay all consequential benefits in terms of award of Labour Court dated 17th June, 1997 is even otherwise is not maintainable.

5. Considering aforesaid facts, liberty is granted to petitioner either to approach the Labour Court in case execution proceedings are pending or to challenge the final order passed in such execution proceedings in case petitioner is aggrieved with regard to same.

6. The writ petition stands **disposed of**.

**Order Date :-** 11.10.2023  
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