

GAHC010198862018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Cas(C)/397/2018

JINISH LAL RAY
C/O- SINGH ELECTRICALS, LAKHRA CHARIALI, P.O- SAUKUCHI, P.S-
BASISTHA, GHY- 34, DIST- KAMRUP(M), ASSAM

VERSUS

RAM SWARUP BAJAJ
S/O- LATE BABULAL BAJAJ, DIRECTOR OF KISHLAY FOODS PVT LIMITED,
HAVING ITS REGD OFFICE AT SARUSAJAI, BASISTHA, R/O- PRIYANKA
APARTMENTS, PANBAZAR, GUWAHATI, DIST- KAMRUP(M), ASSAM

Advocate for the Petitioner : MR A DASGUPTA, MS B DAS

Advocate for the Respondent : MR B SHARMA, MR. D K KOTHARI,MR. N KOTHARI,MR Y
KOTHARI,MR ANAND SHARMA,MR P PRAWAR,MR Y KOTHARI,MR. D K KOTHARI,MR S
SHARMA

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 02.08.2024

Heard Mr. A. Dasgupta, learned counsel for the petitioner. Also heard Mr. Y. Kothari, learned counsel appearing for the both the respondents.

Mr. Dasgupta, learned counsel for the petitioner submits that in pursuance to the passing of the order, dated 09.02.2018, by this Court in WP(C)/897/2017, the petitioner had instituted Execution Case No. 06/2019, praying for execution of the award dated 10.05.2016 in Reference Case No. 02/2015 and 01/2015.

Mr. Dasgupta, learned counsel for the petitioner has fairly submitted that in the said execution case, a prayer is also made for computation of the last wages drawn by the petitioner in the present proceeding and accordingly, the same is presently pending consideration before the learned Labour Court.

Mr. Dasgupta, learned counsel has submitted that in view of the pendency of the present proceeding, further proceeding in Execution Case No. 06/2019 has been kept in abeyance by the learned Labour Court and accordingly, submits that the amount receivable in view of provisions of Section 17 (b) of the Industrial Dispute Act, 1947 by the petitioner herein, be directed to be so released after the computation is made in the matter by the learned Labour Court.

Accordingly, the present contempt petition stands closed, requiring the

learned Labour Court to proceed with the Execution Case No. 06/2019, strictly, in accordance with law and thereafter, upon making the due computation on hearing the learned counsels to the proceedings, the amount calculated be released to the petitioner.

The payments, if any, made to the petitioner herein, by the respondents in application of the provisions of Section 17 (b) shall be so deducted from the final amount that would now be determined by the learned Labour Court, on computation of the last wages drawn by the petitioner herein.

JUDGE

Comparing Assistant