

**IN THE HIGH COURT FOR THE STATE OF PUNJAB AND
HARYANA AT CHANDIGARH**

COCP No.1926 of 2015 (O&M)
Date of Decision:-05.08.2015

Om Parkash Vermani

..... Petitioner

Vs.

Hema Siddhartha Chand and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Ms.Balpreet Sidhu, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is a workman. The award passed in his favour on 6.11.2007 by the Labour Court, was challenged by M/s British Motor Car Company. In the said petition notice of motion was issued on 22.2.2008 and operation of the impugned order was stayed subject to the compliance of Section 17-B of the Industrial Disputes Act, 1947 [for short 'the Act'].

It is submitted by learned counsel for the petitioner that application filed by the petitioner under Section 17B of the Act was also allowed by this Court but the respondents are not making the payment from March, 2015. She has relied upon a decision of the Supreme Court rendered in **"Dena Bank Vs. Kirtikumar T. Patel"** 1998(1) SCT 57 to contend that this petition is maintainable against the respondents as they have willfully disobeyed the order passed by this Court.

I have heard learned counsel for the petitioner and after examining the record, am of the considered opinion that the petitioner does not have the remedy of contempt rather the remedy lies with the petitioner to file an application for vacation of stay under Article 226(3) of the Constitution of India as the stay granted by this Court on 22.2.2008 was made subject to compliance of provisions of Section 17B of the Act. In case the said stay is vacated on account of non-compliance then the eclipse over the award passed in favour of the petitioner would be over and the workman would be entitled to the benefits arising out of the said award.

With these observations, the present petition is hereby disposed of as not maintainable.

05.08.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**