

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

105

**CR-5593-2015 (O&M)
Date of Decision-14.10.2015**

HOSHIARPUR NATIONAL TRANSPORTERS PVT LTD
Petitioner

Versus

DALJIT SINGH

Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arun Takhi, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Judgment debtor has come in the present revision petition against the order dated 01.07.2015 vide which Executing Court has directed that decree holder be treated as having submitted his joining report. Decree holder has also been directed to report to the judgment debtor for performing his duty. Decree holder has been held entitled to the salary to be paid to him in regular course besides directing the judgment debtor to submit the calculation chart regarding the amount payable to the decree holder from the date of application i.e. 11.03.2014 till date.

[2]. On 12.08.2004, an award was passed by the Labour Court, reinstating the respondent-decree holder with continuity and full back wages. The management/petitioner feeling aggrieved against the aforesaid award, filed Civil Writ

Petition No.10081 of 2005 in the High Court. High Court reversed the award to the extent of paying back wages. The award was implemented and respondent was reinstated. In the year 2008, again dispute arose. Matter was referred to Labour Court and this time award was passed on 08.11.2011. Decree holder was reinstated with continuity and payment of salary on minimum wages as well as contribution towards EPF as per law. Respondent-workman was directed to report on 21.11.2011 and management was directed to pay Rs.5000/- as ex gratia within 30 days. The stand of the petitioner is that workman did not report, nor sought any extension in time. A registered notice is alleged to have been posted to him on 23.11.2011 to join within 3 days. Plea has been taken that the workman never came forward to join the duty. Respondent decree holder filed execution on 11.03.2014 claiming his entitlement to the tune of Rs.9000/- per month from 21.11.2011 along with interest @ 12%. Petitioner-management filed objection in the execution. Stand of the decree holder was that the management did not allow him to join on the ground that earlier a decree passed was under The Minimum Wages Act to the tune of Rs.1,22,000/-. That award was not implemented by the management. Management was insisting that the workman should not press for that award. This course was also applied by the management in case of other workmen also.

[3]. Executing Court believed the version of the decree holder and now the impugned order has been passed, directing the management petitioner to submit the calculation chart and also directed the petitioner to tender the salary and amount payable to the decree holder from the date of application till date. Execution is still pending. The question for consideration is whether the decree holder was sufficiently prevented from joining by the management for the reasons as appearing on record from the year 2004 onwards till the date of filing of execution.

[4]. This Court does not opine at this stage as to whether decree holder is entitled for arrears of salary w.e.f 21.11.2011 or from 11.03.2014. Executing Court would be obligated to comment on this aspect after due appreciation of material on record.

[5]. However, at this stage, this Court does not feel like to interfere in the impugned order wherein prima facie equitable arrangement has been made in the light of facts on record. Consequently, the present revision petition is dismissed.

October 14, 2015
prince

(RAJ MOHAN SINGH)
JUDGE