IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.564 OF 2016
(Babasaheb Madhav Gangurde Vs.Gulabrao Valse Patil)
IN
WRIT PETITION NO.10201 OF 2015
WITH
CONTEMPT PETITION NO.569 OF 2016
(Ganpat Parbati Gangurde Vs.Gulabrao Valse Patil)
IN
WRIT PETITION NO.10192 OF 2015

Mr.P.V.Barde, Advocate for the petitioners.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 29/11/2016

PER COURT :

1. I have heard the learned Advocate for the petitioners who has specifically pointed out that the judgment and award dated 11/09/2012 in Ref.(IDA) No.21/2007 and dated 29/03/2014 in Ref. (IDA) No.23/2007 have not been complied with by the respondents despite the order of this Court dated 22/12/2015 in WP Nos.10192/2015 and 10201/2015.

2. By the judgments delivered by the Labour Court, the petitioners are granted reinstatement with continuity, without back wages. Both these judgments were challenged by the respondents in this Court through the Deputy Conservator of Forest. By the judgment dated

23/02/2015, this Court has dismissed both these petitions in the light of the view taken by the Hon'ble Supreme Court in the matter of Mackinnon Mackenzie and Company Limited V/s Mackinnon Employees Union, (2015)4 SCC 544 and Ajaypal Singh Vs. Haryana Warehousing Corporation,2015(6) SCC 321.

3. The grievance of the petitioner is that despite the award and the order of this Court, the respondent is not implementing the award.

4. This Court has consistently taken a view that a contempt proceeding is not of the nature of execution proceedings and a litigant could only be punished for disobedience of the order of this Court. In these two matters, this Court has dismissed the petitions filed by the respondents and as such the awards at issue are required to be complied with unless there is any interference in the award and the order of this Court by the Hon'ble Apex Court.

5. Section 25-U of the I.D.Act provides for a penalty of imprisonment for a term which may extend to 6 months or/and with fine for any commission of unfair labour practice.

6. The impugned awards can be executed under the I.D.Act 1947

and the I.D. (Bombay) Rules, 1957 with the amendments that have been introduced. So also, the petitioners can seek orders from the Industrial Court under Item 9 of Schedule IV by filing a ULP complaint and an application for interim relief for implementing the award, can also be pressed u/s 30(2) of the MRTU and PULP Act, 1971.

7. Considering that a statutory, efficacious and expeditious remedy for seeking execution of the awards is available to the petitioners, I am not entertaining these petitions. The same are therefore disposed of with the observation that the petitioners can resort to a remedy as they may deem fit and proper under the I.D. Act or under the MRTU and PULP Act. In the event, a ULP complaint is filed, they would be within their rights in claiming interim relief u/s 30(2).

(RAVINDRA V. GHUGE, J.)