

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17504 of 2008

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Vijoy Kumar Sinha, son of Late Sita Ram Prasad, Resident of Mohalla Kiubganj
(Chatpati Talab) P.O. Mirzanhat, P.S. Ishaqchak, District Bhagalpur.

.... Petitioner/s

Versus

1. Bhagalpur Nagar Nigam through its Administrator, Bhagalpur.
2. Mahapor, Bhagalpur Nagar Nigam, Bhagalpur.
3. Nagar Ayukta Bhagalpur Nagar Nigam, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Adv.

For the Respondent/s : Mr. Manish Kumar

Mr. Maruth Nath Roy

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-11-2017

Heard learned counsel for the petitioner and counsel for
the Municipal Corporation

The question is implementation of the award dated
30.12.1995 which is passed in Reference Case No. 5 of 1990,
whereby and whereunder, the petitioner has been reinstated in service.

When the award was not implemented, the petitioner
filed an application under 33 C (2), the amount was computed, money
has been paid but, learned counsel for the petitioner submits that the
award, in substantial, has not been implemented and he has not been
given any work though others have been given the benefit of
implementation of the award. The amendment in Section 11(10) of the
Industrial Dispute Act has been introduced to resolve such issue



which reads as follows:-

“11(10) *The Labour Court or Tribunal or National Tribunal, as the case may be, shall transmit any award, order or settlement to a Civil Court having jurisdiction and such Civil Court shall execute the award, order of settlement as if it were a decree passed by it.*”

From reading of Sub-Section 10 of Section 11 of the Industrial Dispute Act, it is apparent that the award of the Tribunal or Labour Court will be executed as a decree by the Civil Court. In that view of the matter, let the petitioner should approach to the Civil Court for execution of the award and the Civil Court will proceed and get the award executed in accordance with law.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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