

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

CR No.4091 of 2017

Date of decision: June 02, 2017

Pushpa Devi

....Petitioner

Versus

D.P.E.O Charkhi Dadri and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Manoj Chahal, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

Through the instant petition preferred under Article 227 of Constitution of India, petitioner has sought setting aside of the order dated 18th November, 2016 passed by Civil Judge (Senior Division), Bhiwani whereby an execution petition preferred by the petitioner has been dismissed.

Undoubtedly, the award under execution was passed on 23rd July, 2004 by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and execution thereof has been filed in the year 2015. The award passed under the provisions of Industrial Disputes Act, 1947 (for short 'Act' only) is to be implemented in accordance with the provisions contained therein. As per Section 19(3) of the Act, an award passed under the said Act, remains operative only for one year from the date of its publication in the Official Gazette. Further, Section 7 of the Act provides that an award passed by the Industrial Tribunal is to be transmitted to the Executing Court but no such award has been transmitted in the case in hand by the Industrial Tribunal to the Executing Court rather an execution

has been filed directly by the Decree Holder. Since execution application has been filed after expiry of the period of more than one year after publication of the Award, it is really beyond limitation. Learned trial Court has rightly observed in this regard and has dismissed the petition.

Since the impugned order is absolutely in consonance with the legal proposition applicable to its facts and circumstances, instant petition being devoid of merits is dismissed.

June 02, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No