

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 6070 of 2016 (O&M)

Date of Decision: 17th July, 2017

HANUMAN

...Petitioner

V/S

THE KOHLI PRIMARY AGRICULTURE COOPERATIVE SOCIETY
LTD. & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Abha Rathore, Advocate for the petitioner.

Mr. C.R. Dahiya, Advocate for the respondent No.1 to 3.

Mr. Paramjit Singh, AAG, Haryana, for respondent No.4.

Mr. Rajvir Singh, Advocate for respondent No.5.

ANIL KSHETARPAL, J. (Oral):

Petitioner-workman has filed this present revision petition under Article 227 of the Constitution of India challenging the order dated 09.10.2014 passed by Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar. Order reads as under:

“Arguments heard. The decree holder stated that the operation of the impugned order is stayed qua the bank only. Accordingly the impugned judgment/order dated February 18, 2014 is liable to be implemented through the Court against the remaining JDs. Statement of JDs No.1 and 3 had also been recorded.

I have given considered thought to the contentions raised by learned Counsel for the parties and have gone through the case file carefully and thoroughly.

The question is the implementation of the order

under Section 33C(2) of the Industrial Disputes Act. The Hisar District Central Cooperative Bank had gone in appeal and has filed a LPA No.643 of 2014, wherein the operation of the impugned order has been stayed qua him.

The payment if any due had to be made through the Hisar District Central Co-operative Bank Limited, through its E.O. Against which the Stay order is there. Therefore, no further proceedings can be taken in the present execution petition. For awaiting further order to come up on 18.11.2014”

Petitioner has placed on file the order passed by the Hon'ble Division Bench dated 24.04.2014. The order reads as under:

“LPA-643-2014 (O&M)

*HISAR DISTRICT CENTRAL COOPERATIVE BANK LIMITED
THRO CEO V/S CIVIL JUDGE SR. DIVN. AND OTHERS*

Present: Mr.Rajvir Singh Sihag, Advocate for the petitioner.

Inter-alia, it is stated by counsel for the appellant that settlement entered into between respondent No.4 and employees union represented through respondent No.5 cannot be executed against the appellant. The appellant has no stake in the said Society.

Notice of motion for 16.9.2014.

Operation of the impugned order qua the appellant only shall remain stayed till further orders”

A reading of the order would show that operation of the impugned order qua appellant was stayed. Execution of the settlement between the parties was never stayed. Workman is only seeking implementation of the aforesaid settlement.

Counsel for the society under whom petitioner is working has no objection to the implementation of the settlement. Bank is stated to be only the

financier. Settlement is not being implemented against the bank. Therefore, the order passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court is erroneous. The order dated 09.10.2014 passed by the learned Presiding Officer is set aside.

Execution would proceed against the respondent No.1 to 3 in accordance with law.

(Anil Kshetarpal)
Judge

17.07.2017

Nisha-I/parveen

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No