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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 789/2015 & CM No.16887/2015

JOGINDER LAL & ORS Petitioners

Through Mr.Anand Nandan, Advocate

versus

COMMISSIONER, NORTH MUNICIPAL
CORPORATION OF DELHI

..... Respondent

Through Mr.Ravinder Chauhan & Mr.Nitin
Jain, Advocates

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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17.01.2017

1. The present petition is filed seeking to impugn the order dated 17.10.2014 by which an execution petition filed by the petitioners under Section 11(10) of the Industrial Disputes Act, 1947 (*hereinafter referred to as the 'ID Act'*) was dismissed.
2. The petitioners raised an industrial dispute against the respondent. The Industrial Tribunal passed an award dated 24.02.2000 fixing the pay scale. The direction was passed that the petitioner/workmen would be placed in the said pay scale with effect from the date mentioned in award.
3. A writ petition was filed before the High Court by the respondent challenging the said award and the same was dismissed on 08.10.2012. Hence, the present execution petition has been filed.
4. The trial court by the impugned order dismissed the execution petition holding that the petitioners would have a remedy under Section 33 C (2) of

the ID Act.

5. I have heard the learned counsel for the parties.

6. The learned counsel for the petitioners has pointed out that the grounds on which the execution petition has been dismissed are entirely erroneous. However, he submits that in order to cut short the controversy he seeks an opportunity to approach the concerned labour court under Section 33 C of the ID Act for appropriate calculation/direction regarding payment of the dues of the petitioners.

7. Granting leave and liberty to the petitioners to approach the labour court for the said purpose, the present petition is dismissed as withdrawn. As the matter has been pending since long, the labour court is requested to expeditiously dispose of the case of the petitioners. The parties should normally not be granted any adjournment and the matter be disposed off expeditiously preferably within six months from the date of the filing of the petition by the petitioners.

JAYANT NATH, J.

JANUARY 17, 2017/v