

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.16290 OF 2018
DECIDED ON: JULY 27, 2018

SATVIR SINGH AND ANOTHER

.....PETITIONERS

VERSUS

DEPUTY COMMISSIONER, SANGRUR
AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amit Kumar Walia, Advocate,
for the petitioners.

JASPAL SINGH, J.

Through instant petition, preferred under Article 226 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus directing respondents No.1 and 2 to execute the recovery proceedings/warrants/recovery certificates dated 08.09.2014 (P-6A) and dated 22.12.2014 (P-7) issued against respondents No.3 and 4 for recovery of amount of Rs.564362/- along with interest @ 12% per annum w.e.f. 30.09.2010 till realization as per order dated 30.04.2013 (P-4) and Rs.653730/- w.e.f. 31.01.2014 as per order dated 31.01.2014 (P-5) as the same has not been complied with and execute from the last three years.

2. Here, it would be pertinent to mention that Bharpur Singh (since deceased), predecessor-in-interest of the petitioners preferred an application

bearing No.366/2007 under Section 33-C(2) of the Industrial Disputes Act, 1947 (for short, "Act 1947" only) against respondents No. 3 and 4 in the Court of Industrial Tribunal-cum-Labour Court, Patiala. The said application was accepted and allowed vide order dated 31.01.2014 whereby respondents No.3 and 4 were directed to pay a sum of Rs.6,05,006/- towards arrears of wages within 45 days of the passing of order failing which, petitioner is also entitled to interest @ 9% per annum from the date of order till realization and Rs.48,724/- as outstanding CPF contribution. The said orders have attained finality as the same were not challenged by way of an appeal or any other mode. Similarly, petitioners also preferred an application before the Assistant Labour Commissioner, Sangrur, who has issued recovery certificate No.1836 dated 08.09.2014 under Section 8 of the Payment of Gratuity Act, 1972 addressed to respondent No.1 to recover the amount of Rs.5,64,362/- along with interest @ 12% per annum w.e.f. 30.09.2010 till realization, to be recoverable from respondents No.3 and 4 as arrears of land revenue and the process in that matter is also going on for the recovery of aforesaid amount. It is also well settled proposition of law that an award passed by the Industrial Tribunal-cum-Labour Court is a decree and is enforceable by the Executing Court i.e. the Civil Judge (Senior Division) where the Industrial Tribunal-cum-Labour Court is located and is functioning. Since, other efficacious remedy is available to the petitioners to seek remedy, instant petition preferred under Article 226 of the Constitution of India is not legally maintainable.

3. Accordingly, instant petition stands dismissed. However, the petitioners shall be at liberty to have recourse to the other remedies available

under law for the redressal of their grievances.

JULY 27, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>