

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

Sr. No.243

(1) CR No.5225 of 2018

Shinder Kaur

....Petitioner

versus

M/s Baba Budha Charitable Hospital

....Respondent

(2) CR No.5234 of 2018

Swinder Kaur

....Petitioner

versus

M/s Baba Budha Charitable Hospital

....Respondent

(3) CR No.5510 of 2018

Pargat Singh

....Petitioner

versus

M/s Baba Budha Charitable Hospital

....Respondent

(4) CR No.5486 of 2018

Mukhtiar Singh

....Petitioner

versus

M/s Baba Budha Charitable Hospital

....Respondent

Date of decision: 11.09.2019

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vishal Sodhi, Advocate
for the petitioner(s).

Mr. Abhilaksh Grover, Advocate
for the respondent (in CR-5225-2018).

Ms. Deepshikha Chauhan, Advocate
for the respondent (in CRs-5234 & 5510-2018).

Mr. Rishab Gupta, Advocate
for the respondent (in CR-5486-2018).

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DEEPAK SIBAL, J. (Oral)

The present order shall dispose of four revision petitions being CR No.5225 of 2018 - Shinder Kaur versus M/s Baba Budha Charitable Hospital, CR No.5234 of 2018 - Swinder Kaur versus M/s Baba Budha Charitable Hospital, CR No.5510 of 2018 - Pargat Singh versus M/s Baba Budha Charitable Hospital and CR No.5486 of 2018 - Mukhtiar Singh versus M/s Baba Budha Charitable Hospital, as common questions of law and facts are involved therein. For the sake of convenience, facts are being extracted from CR No.5225 of 2018 - Shinder Kaur versus M/s Baba Budha Charitable Hospital.

In the year 2004, the respondent terminated the services of the petitioner against which she filed a reference before the Industrial Tribunal, Amritsar (for short – the Tribunal). The dispute between the parties was referred to the Lok Adalat where the same was compromised and after recording the statements of both parties, the Lok Adalat disposed of the petitioners' reference. Since according to the petitioner, the respondents were backing out of their statement made before the Lok Adalat she filed an application before the Civil Judge (Junior Division), Amritsar (for short – the Executing Court) seeking therein execution of the afore-referred award of the Lok Adalat. The petitioner's execution application was dismissed by

the Executing Court on the ground that in her case no award had been passed by the Lok Adalat. According to the Executing Court, the petitioner's reference petition had been disposed off only through an order of the Lok Adalat, which was not an award and thus non-executable. Such order of the Executing Court is under challenge in the present proceedings.

Learned counsel for the parties have been heard.

Challenging the termination of her services, the petitioner had filed a reference before the Tribunal. Such reference was referred to the Lok Adalat where the parties amicably settled their dispute and after recording of their statements her reference was disposed of as under:-

“Present:- Sh. M.S. Walia, A.R. for workman.

Sh. Gurinder Singh, Assistant Store-Keeper of management in person with.

Sh. Sanjiv Kaushal A.R. for Management.

File taken up before Lok Adalat. The services of the workman were terminated. Then present reference was received to answer. In Pre-Lok Adalat, matter settled between the parties. Their statements were recorded on 24.08.2011. The management agreed to provide fresh appointment to the workman in the present pay scale. Accordingly, workman is directed to report in office of the management on 29.08.2011, so that the employment could commence w.e.f. 01.09.2011 and her employment shall have no bearing with the change of President of the S.G.P.C. The parties shall remain bound to their statements. File be consigned to record room

Pronounced in open Court.
August 26, 2011

(Karnail Singh).
Presiding Officer
Industrial Tribunal/Lok Adalat,
Amritsar.”

A Lok Adalat does not perform adjudicatory functions. Its functions are conciliatory. If the reference made to the Lok Adalat is settled then the dispute between the parties is determined by the Lok Adalat through its 'award'. Otherwise not. Thus, the afore-quoted determination by the Lok Adalat on the basis of compromise arrived at between the parties and on the basis of their recorded statements would be an award of the Lok Adalat.

In this regard it would be useful to refer to the following observations of the Hon'ble Apex Court in State of Punjab and another versus Jalour Singh and others, (2008) 2 SCC 660.

“When the LSA Act refers to 'determination' by the Lok Adalat and 'award' by the Lok Adalat, the said Act does not contemplate nor require an adjudicatory judicial determination, but a non-adjudicatory determination based on a compromise or settlement, arrived at by the parties, with guidance and assistance from the Lok Adalat. The 'award' of the Lok Adalat does not mean any independent verdict or opinion arrived at by any decision making process. The making of the award is merely an administrative act of incorporating the terms of settlement or compromise agreed by parties in the presence of the Lok Adalat, in the form of an executable order under the signature and seal of the Lok Adalat.”

Section 21 of the Legal Services Authorities Act, 1987 (for short – the Act) reads as under:-

“Award of Lok Adalat.- [(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been

arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of Section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court Fees Act, 1870 (7 of the 1870).]”

Once, as above, it is held that the dispute between the parties was determined by the Lok Adalat through an award, then a bare reading of Section 21 of the Act leaves no room for doubt that the same is executable like a decree of a Court. To hold otherwise would defeat the very object for which the Act was enacted.

The above view of mine is supported by the following observations made by the Hon'ble Apex Court in **P.T. Thomas versus Thomas Job**, (2005) 6 SCC 478.

“In our opinion, the award of the Lok Adalat is fictionally deemed to be decrees of Court and therefore the courts have all the powers in relation thereto as it has in relation to a decree passed by itself. This, in our opinion, includes the powers to extend time in appropriate cases. In our opinion, the award passed by the Lok Adalat is the decision of the court itself though arrived at by the simpler method of conciliation instead of the process of arguments in court. The effect is the same. In this connection, the High Court has failed to note that by the award what is put an end to is the appeal in the District Court and thereby the litigations between brothers forever. The view taken by the High Court, in our view, will totally defeat the object and purposes of the Legal Services Authorities Act and render the decision of the Lok Adalat meaningless.”

In view of the above, the impugned orders in all the afore-referred revision petitions are set aside and the matter is remitted back to the

Executing Court with a direction to finally adjudicate upon the petitioner(s) execution application(s) on its merits in accordance with law.

(DEEPAK SIBAL)
JUDGE

September 11, 2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No