

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

117

2023:PHHC:159589

CR-4375-2018

Date of decision: 13.12.2023

SUNIL KUMAR

..Petitioner

Versus

CIVIL SURGEON

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lajpat Rai Sharma, Advocate
for the petitioner.

Ms. Vibha Tewari, AAG, Haryana
& Mr. J.S. Pannu, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

1. As per the award passed by the Presiding Officer of Industrial Tribunal-cum-Labour Court, Hisar, on 15.09.2016, the petitioner herein was directed to be reinstated into service on the same post with immediate effect with all other consequential benefits but for back wages.

2. The operative part of the award reads as under:-

“As a result of my findings on issue no.1, the present claim petition is allowed and the respondent is directed to reinstate the petitioner into service on the same posts with immediate effect with all other consequential benefits but for back wages. The reference is answered accordingly. File be consigned to records after due compliance.”

3. He filed the execution petition in the Civil Court, which has been dismissed as satisfied on the ground that he has been reinstated in service with effect from 10.08.2017. The petitioner claims that he is entitled to back wages for the period from 15.09.2016 to 10.08.2017.

4. This Court has considered the submissions of the learned counsel representing the parties.

5. The Executing Court is required to implement the award/decreed as it exists. There is no award in favour of the petitioner directing the respondent to pay wages, if there is a delay in reinstatement.
6. The learned counsel representing the petitioner relies upon Section 17(a) of the Industrial Disputes Act, 1947, to contend that the Executing Court was required to recover the amount of wages from 15.09.2016 to 10.08.2017 even in absence of any award or decree passed in his favour. Section 17 of the Industrial Disputes Act, 1947, has no applicability to the facts of the present case.
7. Keeping in view the aforesaid facts, no ground to interfere is made out.
8. Dismissed accordingly.
9. All the pending miscellaneous applications, if any, are also disposed of.

December 13th, 2023

Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*