IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208 **CWP-12008-2010(O&M)**
Date of Decision: 07.05.2024

Basu Dev **.... Petitioner**

Versus

Chandigarh Administration and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. A.S. Gagrha, Advocate for the petitioner.

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SANJAY VASHISTH, J.(Oral)

1. Petitioner-Basu Dev, has filed the instant writ petition for execution of the award dated 08.08.2007 (Annexure P-1), passed by Industrial Tribunal-cum-Labour Court, U.T. Chandigarh, whereby reference No. 64 of 2000 was partly answered in his favour.

2. Learned counsel for the petitioner submits that learned Labour Court has observed that the petitioner-workman was serving as 'Driver' with the respondent-M/s Golden Forest Company, but instead of reinstatement, he was awarded lump sum compensation of Rs.1,50,000/- vide its impugned award dated 08.08.2007.

3. Learned counsel for the petitioner further submits that the present writ petition is pending since the year 2010 and till date petitioner is not able to receive any amount.

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4. On 09.01.2012, certain facts were noticed by the co-ordinate Bench of this Court, which reads as under:

> *"Present: Mr. A.S. Gagrha, Advocate*
> *for the petitioner.*
> *Mr. Subhash Goel, Advocate for respondent No.1.*
> *Mr. R.S. Narang, Advocate*
> *for respondent No.3.*
> *Mr. Arjun Partap Atma Ram,*
> *Advocate for respondent No.5*
>
> *Let the petition itself be considered by the Committee to be a claim application before it and an appropriate decision be taken in this regard as expeditiously as possible preferably within a period of four weeks.*
> *List on 20.3.2012 for further proceedings.*
>
> ***January 9,2012 (Mahesh Grover)***
> ***Judge****"*

5. Again on 23.09.2016, the following order was passed by the co-ordinate Bench of this Court:

> *"**Present:** Mr. P.K. Dutt, Advocate*
> *for the petitioner.*
> *Mr. D.K. Singal, Advocate*
> *for respondents No. 1 and 2.*
> *Mr. A.S. Narang, Advocate*
> *for respondent No.3.*
>
> ****
>
> *The petitioner was Driver with Golden Forest (India) Ltd. The said company was closed and matter is pending consideration before the Supreme Court. On 10.12.2004 the Supreme Court passed an order in an interlocutory application No. 34 in transfer case (Civil) No. 2/2004 titled as The Securities and Exchange BD of India Vs. Golden Forest (I) Ltd that till all claims are received and it is ascertained to what extent claims can be settled, nobody can be paid. The Supreme Court transferred the matter to the Delhi High Court for further consideration.*
>
> *In view of the Supreme Court direction that nobody can be paid, the present matter cannot be decided. The petitioner is directed to move necessary application, as and when, the Delhi*

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High Court decides the case of the Securities and Exchange BD. of India Vs. Golden Forest (I) Ltd.

Adjourned to 29.11.2016 for awaiting further order.

23.09.2016 ***(P.B. BAJANTHRI)***
JUDGE"

6. Learned counsel for the petitioner points out that undoubtedly the claim is to be considered by the Liquidator and same has already been filed before it for the purpose of recovering the amount.

However, the fact was recorded in the order dated 23.09.2016 that he has already been given a remedy to move an application after the final adjudication by Delhi High Court in ***'The Securities and Exchange BD of India Vs. Golden Forest (I) Ltd'***, but, no better direction/relief can be granted to the petitioner as of date.

7. Learned counsel for the petitioner is unable to inform the Court about the fate of the litigation pending before the Delhi High Court, which is noticed by this Court vide order dated 23.09.2016.

8. In the backdrop of circumstances explained and recorded hereabove, this Court does not find any reason to keep the present writ petition pending , therefore, same is disposed of.

It will be open for the petitioner to seek revival of the present writ petition, after the final adjudication of the litigation

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pending before Delhi High Court and already noticed by this Court in its order dated 23.09.2016.

[SANJAY VASHISTH]
JUDGE

May 07, 2024
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Whether speaking/reasoned yes/no
Whether reportable? yes/no

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