

VERSUS
PRESIDING OFFICER, LABOUR COURT, JALANDHAR AND
ORS.

.....Respondent(s)

ORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anurag Jain, Advocate with
Mr. Rahul Choudhary, Advocate
for the petitioner-Bank.

None for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present bunch of five writ petitions involve common question of law in the context of common set of facts and thus they are being decided by a common order.

2. In the present petition bunch of five writ petitions, the challenge is to the impugned recovery notice dated 07.03.2001 (Annexure P-10) by which, the authorities exercising jurisdiction under the Industrial Disputes Act, 1947 issued a notice to the petitioner-Bank to pay a sum of Rs.43,400/-.

3. Learned counsel for the petitioner submits that the respondent No.4-Workman in all the writ petitions had filed a claim petition against M/s BDS Steels Rolling Mills Ltd., Jalandhar wherein, the parties ultimately compromised upon the issue that was persisting between them and the respondent No.4-Workman in all the petitions were required to be paid certain amounts as per the compromise, and as the decided amount to be paid to respondent No.4-Workman was not released in favour of the respondent No.4-Workman in all the writ petitions, they had approached

before the appropriate Court for the realisation of the amount under the settlement reached between the parties and the petitioner-Bank was thereby directed that as the M/s BDS Steels Rolling Mill, Jalandhar is not releasing the settlement amount and as they have a account with the petitioner-Bank, the petitioner-Bank should make the payment to the respondent No.4

4. Learned counsel for the petitioner-Bank submits that no such account of M/s BDS Steels Rolling Mills, Jalandhar existed with the petitioner-Bank but, the impugned recovery noticed dated 07.03.2001 (Annexure P-10) was issued by stating therein that an outstanding amount of Rs.43,400/- is pending against the petitioner-Bank payable to the respondent No.4-Workman, which notice issued is incorrect.

5. The petitioner-Bank was only to freeze the settlement amount claimed by the respondent No.4-Workman in all the writ petitions from the account of M/s BDA Steels Rolling Mills Ltd., Jalandhar but as there was no such account existing with the petitioner-Bank, the same could not be done hence, the recovery notice dated 07.03.2001 (Annexure P-10) issued to the petitioner-Bank stating therein that the settlement amount is to be paid by the petitioner-Bank, is arbitrary and illegal.

6. No one has appeared on behalf of the respondents despite service hence, they are proceeded *ex parte*.

7. The present bunch petitions are pending for the last 23 years. The operation of the impugned order dated 07.03.2001 (Annexure P-10) has already been stayed. Nothing has come on record to show that either the

respondent No.4-Workman in all the writ petitions or anybody else, is pursuing the matter.

8. I have heard learned counsel for the petitioner-Bank and have gone through the records of the present case with his able assistance.

9. Once, the claim of the respondent No.4-Workman in all the writ petitions are not against the petitioner-Bank but was against the M/s BDA Steels Rolling Mills Ltd., Jalandhar, where the respondent No.4-Workman in all the cases were working and the claim of the realisation of the amount was only an award passed between the respondent No.4-Workman in all the cases and M/s BDA Steels Rolling Mills Ltd., Jalandhar, the liability to pay the amount could not have been put upon the petitioner-Bank under any circumstances.

10. The petitioner-Bank was only roped in to help the respondent No.4-Workman in all the writ petitions so as to ensure that M/s BDA Steels Rolling Mills Ltd., Jalandhar is having an account with the petitioner-Bank, the said account could be released to the respondent No.4-Workman so as to execute the award in favour of the respondent No.4-Workman but, in fact it was found that no such account of M/s BDA Steel Rolling Mills Ltd., Jalandhar existed with the petitioner-Bank. The matter should have ended there but, without noticing all the facts and there was no lis between the petitioner and the respondent No.4-Workman, the recovery notice was given to the petitioner so as to execute the award wherein M/s BDA Steel Rolling Mills Ltd. was only liable to extend the relief in favour of the respondent No.4-Workman.

11. Further, the recovery notice of the amount which the respondent No.4-Workman was entitled to receive and M/s BDA Steel Rolling Mills Ltd., Jalandhar was liable to pay, the petitioner-Bank has been held liable without their being any order by the competent court of law.

12. Keeping in view the totality of the circumstances, the impugned recovery notice dated 07.03.2001 (Annexure P-10) is set aside. However, the respondent No.4-Workman in all the cases will be free to avail appropriate remedy to claim the amount in case, not already received from M/s BDA Steels Rolling Mills Ltd., by availing appropriate remedy.

13. Present bunch of petitions are allowed in above terms.

14. Pending application, if any, also stands disposed of.

15. Photocopy of this order be placed on the files of other connected cases.

25-03-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO