



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

COCP-3069-2025

Date of decision : 10.04.2026

Gurmail

... Petitioner

Versus

Mohan Lal Verma

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.J.S. Cooner, Advocate
for the petitioner.

Mr. Raj Partap Singh Brar, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a petition filed under Sections 11/12 of the Contempt of Courts Act, 1971 for disobedience of the order dated 18.10.2024 (Annexure P-2) passed by the Co-ordinate Bench of this Court in CWP-4900-2020.
2. The Divisional Forest Officer, Territorial Forest Department, Kaithal had filed CWP-4900-2020 challenging the award in favour of the present petitioner and others persons. The said writ petition was disposed of in terms of the order dated 05.09.2024 passed by the Co-ordinate Bench of Court in a bunch of petitions including CWP-22006-2017. The order dated 18.10.2024 has been annexed as Annexure P-2 along with the present petition. The bunch petitions of which the lead case was CWP-22006-2017



has been annexed at page 21 of the present petition and the said writ petition along with several other writ petitions including CWP-24974-2021 was disposed of in the following terms:-

“17. Considering the fact that workmen have already been re-engaged, they are working since their re-engagement and they had not worked during the period from retrenchment to reinstatement, this Court finds it appropriate to reduce the amount of back wages from 50% to 30%. The said amount shall be paid within three months from today and it would not carry interest.

18. There are a few workers who are not re-engaged. The petitioner claims that they have not been re-engaged because of filing of false affidavits, however, the said fact is disputed by counsel for respondents. The petitioner shall re-consider claim of those workers who have not been re-engaged. They would be paid back wages @ 30% from the date of retrenchment to date of award.

19. It is made clear that if petitioner has already released back wages, no recovery in terms of this order shall be effected. If back wages are not paid within three months from today, the petitioner shall be liable to pay interest @ 9% from the expiry of aforesaid period of three months.

20. Disposed of in above terms.

21. Pending miscellaneous application(s), if any, shall also stand disposed of.”

3. Learned counsel for the petitioner has submitted that although the petitioner has been reinstated but the back wages as ordered by the Co-ordinate Bench of this Court have not been granted.

4. Learned counsel for the respondent has submitted that LPA against the judgment dated 05.09.2024 has been filed. It is further submitted that the Co-ordinate Bench of this Court while dealing with the contempt petition, which was filed by Raj Kumar, with the similar prayer of non-



releasing of back wages as per the directions issued in CWP-24974-2021, which was a part of the said bunch, had observed that the petitioner had a remedy to file a petition before the Executing Court for execution of the award and thus, the said petition was disposed of with liberty to the petitioner to avail alternative remedy. Reliance has also been placed upon the judgment of the Co-ordinate Bench of this Court dated 12.11.2010 passed in **COCP-2110-2010** titled as **“Birender Singh vs. A. K. Yadav”**.

5. It is not in dispute that the writ petition filed by the petitioner was disposed of in terms of the order dated 05.09.2024 passed in the bunch matters which included CWP-24974-2021 which was filed by one Raj Kumar. It is not further in dispute that the said Raj Kumar had filed COCP-4915-2025 which was decided by the Co-ordinate Bench of this Court on 14.10.2025 in the following terms:-

“1. The instant petition has been filed for initiation of the contempt proceedings against the respondent for willfully disobeying the directions passed by the Writ Court vide order dated 05.09.2024 (Annexure P-1) in CWP No.24974 of 2021 whereby, the following directions were issued:-

"17. Considering the fact that workmen have already been re-engaged, they are working since their re-engagement and they had not worked during the period from retrenchment to reinstatement, this Court finds it appropriate to reduce the amount of backwages from 50% to 30%, The said amount shall be paid within three months from today and it would not carry interest.

18. There are few workers who are not re-engaged. The petitioner claims that they have not been re-engaged because of filing of false affidavits, however, the said fact is disputed by counsel for respondents. The petitioner shall re-consider claim of those workers who have not been engaged. They would be paid



backwages @ 30% from the date of retrenchment to date of award.

19. It is made clear that if petitioner has already released back wages, no recovery in terms of this order shall be effected. If back wages are not paid within three months from today, the petitioner shall be liable to pay interest @9% from the expiry of aforesaid period of three months."

2. Learned counsel for the petitioner submits that despite the aforesaid directions, nothing has been paid to the petitioner.

3. I have considered the aforesaid submissions and perused the paper-book.

4. Section 11(9) and 11(10) of the Industrial Disputes Act, 1947 (for short, "the Act") reads as under:-

"(9) Every award made, order issued or settlement arrived at by or before Labour Court or Tribunal or National Tribunal shall be executed in accordance with the procedure laid down for execution of orders and decree of a Civil Court under order 21 of the Code of Civil Procedure, 1908 (5 of 1908).

(10) The Labour Court or Tribunal or National Tribunal, as the case may be, shall transmit any award, order or settlement to a Civil Court having jurisdiction and such Civil Court shall execute the award, order or settlement as if it were a decree passed by it."

5. In view of the above legal provisions, the petitioner has remedy to file petition before the Executing Court under Section 11 (9) and 11(10) of the Act, for execution of the Award passed by the Industrial Tribunal, as such, the present petition is disposed of with liberty to the petitioner to avail appropriate remedy before the competent Court, as per law.

6. Pending miscellaneous application(s), if any, shall stand disposed of."

A perusal of the above order would show that the Co-ordinate Bench had taken into consideration Section 11(9) and 11(10) of the Industrial Disputes Act, 1947 which specifically provides that the award is to be executed in the same manner as execution of orders and decrees of a civil court and has thus, granted liberty to the petitioner therein to avail



appropriate remedy before the competent Court.

6. The Co-ordinate Bench of this Court in the case ***Birender Singh (supra)*** while dealing with the case in which the workman was reinstated in service with continuity of 50% back wages and even the High Court had directed the management to pay back wages to the workman within a period of two months from the date the workman reports for duty and the contempt petition was filed as the back wages had not been paid, had observed that every direction by the Court does not disclose a civil contempt and reliance was placed on the judgment of the Full Bench of this Court in ***Parkash Chand vs. S. S. Grewal and others*** reported as ***1975 Crl. L.J. 679*** and accordingly, it was observed that the petitioner has efficacious alternative remedy to seek execution of the award under the provisions of the Industrial Disputes Act, 1947 and the contempt petition was not entertained.

7. Keeping in view the above said facts and circumstances and in view of the law laid down in the abovesaid judgments and also the fact that Raj Kumar, who was similarly placed as the present petitioner, had been relegated to his alternative remedy of filing execution, the present contempt petition is also disposed of with liberty to the petitioner to avail appropriate alternative remedy before the competent Court, in accordance with law.

(VIKAS BAHL)
JUDGE

April 10, 2026.
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No