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UTTARAKHAND COURT ON EXECUTION OF AWARD BY LABOUR COURT

The Uttarakhand High Court (“**HC**”), in *Naveen Ram* and other batch cases¹ in April 2024, held that the right for execution of award passed by Labour Court (“**LC**”) lies with only with the LC.

Brief Facts.

Three petitioners (“**Workmen**”) were employed as daily wage workers in a state government department (“**Department**”) since 2007. In 2016, Workmen’s services were terminated by the Department.

Subsequently, the matter was escalated to the State Government for consideration as an industrial dispute, leading to the initiation of a case before the LC.

In 2022, the LC allowed the reference and passed award in favour of the Workmen directing their reinstatement. The Workmen filed writ petitions (“**WP**”) before the HC to execute the award passed by LC.

HC’s Judgment and Reasoning.

The HC held that:

- Workmen rather resorting to LC has approached the HC.
- HC is not the forum for executing Award as the LC is the appropriate forum.
- *“The remedy to execute the award lies with the Labour Court. It needs to be mentioned at this stage that Section 11(9)² of the Industrial Disputes Act, 1947 speaks that every award made by a labour court 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. This Court cannot be converted into an Executing Court for execution of award passed by the Labour Court, which is a decree for the purpose of execution and shall be executed like a decree of civil court.*

The HC dismissed the WP’s being devoid of merits.

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¹*Naveen Ram vs. State of Uttarakhand and others* (2024) SCC Online Utt 955.

² Section 11(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.