

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2932 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO
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ANILKUMAR RADHESHYAM GUPATA

Versus

DISTRICT COLLECTOR

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Appearance:

1. Special Civil Application No. 2932 of 1993  
MR TR MISHRA for Petitioner No. 1  
Ms. D.S. Pandit, AGP for Respondent No. 1  
NOTICE NOT RECD BACK for Respondent No. 2  
MR HS MUNSHAW for Respondent No. 3
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CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 29/06/2002

ORAL JUDGEMENT

Heard learned advocate Mr. T.R. Mishra for the petitioner; Ms. Pandit, learned AGP for the respondent

NO.1 and Mr.H.S.Munshaw, learned advocate for respondent NO.3. In this petition, rule was issued by this Court on 4th November, 1993 with a direction to take effective steps meanwhile for enforcing the recovery in question. These directions were issued against the respondent No.3 who has been subsequently joined in the present petition as respondent No.3 and in response to the notice issued by this Court, respondent No.3 has issued through learned advocate Mr. Munshaw. Learned AGP Ms. Pandit has appeared for respondent No.1 only. No one has remained present for respondent No.2.

The main grievance raised by the petitioner in this petition is that he filed recovery application no. 3020 of 1989 before the labour court, Ahmedabad wherein the labour court, Ahmedabad has passed an order on 3rd May, 1990 granting the said recovery application with a direction to the respondent no.2 to pay Rs.15,881.25 ps. Since the respondent No.2 has not paid the amount as ordered by the labour court, the petitioner approached the labour court with a request to issue the recovery certificate in favour of the District Collector. Therefore, the labour court has issued recovery certificate under section 33-C (1) of the I.D. Act, 1947 dated 13.7.1990. After receiving the recovery certificate, no effective steps were taken by the District Collector for effecting the recovery in question for a period of about three years and, therefore, the petitioner has approached this Court by way of this petition.

During the pendency of this petition, it was brought to this Court's notice that the recovery is required to be effected by the District Development Officer, Ahmedabad and, therefore, the District Development Officer was joined as a party to the present petitioner as respondent No.3. More than ten years have passed and yet no effective steps have been taken by the respondent NO.3.

Therefore, in view of these facts, it is directed to the respondent No.3 to recover the amount as specified in the recovery certificate if the said amount is not recovered so far and to deposit the same before the labour court, Ahmedabad within two months from the date of receipt of copy of this order. Rule is made absolute accordingly with no order as to costs.

29.6.2002. (H.K. Rathod,J.)

Vyas