

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

JAIPUR BENCH, JAIPUR

ORDER

SB Civil Writ Petition No.4812/2011

Rambharos versus Divisional Forest Officer, Baran

29.2.2012

HON'BLE MR. JUSTICE MN BHANDARI

Mr Sanjay Singhal – for petitioner

Dr MS Kachhawa, Addl GC – for respondent

BY THE COURT:

The matter has come up on an application for early listing of the case, however, with the consent of the parties, writ petition is heard finally.

By this writ petition, a prayer is made to direct the respondents to comply with the award passed by the labour court way back on 21.7.1998. It is stated that aforesaid award has not been complied with for the last 14 years despite dismissal of the writ petition preferred by the respondent-State against the award. Even the writ petition was dismissed in the year 2007 yet the award has not been complied with. The respondents have even took a decision not to prefer an appeal against judgment of learned Single Judge thus award passed by the labour court attained

finality.

Learned counsel for respondent submits that matter is pending with the Government to implement the award thus it could not be given effect.

I have considered the submissions of learned counsel and perused record of the case.

It is surprising that an award passed by the labour court some time in the year 1998 has not been complied with by the respondent even after expiry of nearly 14 years. This is more so when the writ petition preferred against the award was dismissed in the year 2007 itself and respondent thereafter took a decision not to prefer appeal against the order passed by the learned Single Judge. No cogent explanation is coming forward by the respondent regarding non-implementation of the award.

In view of aforesaid, writ petition is allowed with the direction to the respondent to implement the award passed by the labour court and so upheld by this court vide order dated 25.7.2007 in SB Civil Writ Petition No.3823/1999. Compliance of the award may be made within a period of two months from the date of receipt of copy of this order, failing which, till compliance

is made thereafter, the competent authority of the department to grant approval for compliance may not be paid salary.

Copy of this order may be sent to the Principal Secretary, Forest Department, Government of Rajasthan, Secretariat, Jaipur.

This disposes of the application for early listing of the writ petition also.

(MN BHANDARI), J.

bnsharma

All corrections made in the judgment/ order have been incorporated in the judgment/ order being emailed.

(BN Sharma)
PS-cum-JW