

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>06.05.2026</u>		<p>WPMS No.1020 of 2026</p> <p><b><u>Hon'ble Siddhartha Sah, J.</u></b></p> <p>Mr. Awanish Upadhyaya, Advocate for the petitioner.</p> <p>Mr. Nikhil Singhal, Advocate for the respondent.</p> <p>At the outset, learned counsel for the petitioner confines his prayer at this stage to the mode in which the Labour Court's award is being executed.</p> <p>The learned counsel for the petitioner has drawn the attention of the Court to Section 5(5) of the U.P. Industrial Disputes Act, 1947 ("the Act") as applicable to the State of Uttarakhand and makes a submission that the award of the Labour Court has to be forwarded to Civil Court for execution of the said award as if it was a decree passed by the Civil Court.</p> <p>Per contra, learned counsel for the respondent Mr. Nikhil Singhal drew the attention of the Court to Section 6(H) of the Act and makes a submission that the recovery under the award could have been made as arrears of land revenue through the</p>

Collector.

After going through the provisions of Section 5(5) of the Act and Section 6(H) of the Act, it is evident that in Section 6(H), there is no reference about the Labour Court's award and the only mode of recovery as a decree of the Civil Court is provided in Section 5(5), hence the recovery certificate issued through Additional Labour Commissioner, Haridwar appears to be without jurisdiction.

In such view of the matter, learned counsel for the respondent prays for and is granted three weeks' time to file counter affidavit.

Since the recovery order dated 09.04.2026 appears to be without jurisdiction there shall be stayed of the said order dated 09.04.2026 issued by the Additional Labour Commissioner, Haridwar till the next date of listing. The interim order will not be construed as a Limitation on the respondent to approach the appropriate forum for the recovery under the Labour Court's award.

List this case on 10.06.2026.

**(Siddhartha Sah, J.)**

06.05.2026

