



2026:UHC:1819-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

17th March, 2026

Special Appeal No. 89 of 2024

Interarch Mazdoor Sangathan and others -----Appellants

Versus

State of Uttarakhand & others -----Respondents

With

Special Appeal No. 152 of 2024

Interarch Mazdoor Sangathan and others -----Appellants

Versus

State of Uttarakhand & others -----Respondents

With

Special Appeal No. 153 of 2024

Interarch Mazdoor Sangathan Kiccha and others -----Appellants

Versus

State of Uttarakhand & others -----Respondents

And

Special Appeal No. 154 of 2024

Interarch Mazdoor Sangathan Kiccha and others -----Appellants

Versus

State of Uttarakhand & others -----Respondents

Presence:-

Mr. M.C.Pant and Mr. D.S.Mehta, learned counsel for the petitioners-
appellants.

Mr. B.S.Parihar, learned Additional Chief Standing Counsel for the
State/respondent no. 1 to 4.

Mr. C.K.Sharma, learned counsel for the respondent no.5.



JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. These appeals arise out of a common order dated 26.02.2024, passed by the learned Single Judge in four writ petitions filed by individual workmen of respondent no. 5-Interarch Building Products (Pvt.) Ltd. (for short 'employer') and their Union challenging the orders of dismissal of the workmen by the employer.

2. The case of the workmen before the Writ Court was that the dismissal orders were in violation of a settlement dated 15.12.2022 arrived at between the employer, and the Union and its workmen, during course of conciliation proceedings, and which was also made part of an award rendered by National Lok Adalat on 11.02.2023.

3. Various other grounds were also taken by the workmen for assailing the dismissal orders.

4. The learned Single Judge has dismissed the writ petitions holding that the workmen have alternative remedy of challenging the dismissal orders for enforcement of their rights under the settlement under the U.P. Industrial Disputes Act, 1947. It has also been held that the employer is a private limited company and



is not receiving any financial aid from the State or Central Government nor it is discharging any public function, therefore, not amenable to writ jurisdiction.

5. Aggrieved by the order of learned Single Judge, the present appeals have been filed.

6. Learned counsel for the appellants submits that the dismissal orders have been passed in violation of the settlement arrived at between the workmen and the employer and, in terms whereof, the Lok Adalat passed an award on 11.02.2023. It is submitted that, in these circumstances, the Writ Petitions have been wrongly dismissed and the Writ Court should have examined the plea taken by the workmen.

7. On the other hand, learned counsel appearing for the employer submits that although he does not dispute the fact that the parties entered into a settlement during course of conciliation proceedings on 15.12.2022, but the recital in paragraph 3 of the said settlement to the effect that during course of the inquiry proceedings and even thereafter, the services of the workmen would not be dispensed with, was not there in the original agreement. It is an interpretation made by hand after the agreement was signed, although the remaining part



of the agreement is computer typed. He further submitted that the alleged settlement on which reliance is being placed was not got registered in terms of Section 6-B of the U.P. Industrial Disputes Act, 1947, and, therefore, it is not binding nor enforceable. He further submitted that all other terms of the settlement have already been honoured by the employer.

8. Rebutting the said submissions, learned counsel for the appellants-petitioners submits that the settlement dated 15.12.2022 is a genuine document and there was no interpolation in the same. He submits that since the same was accepted by the parties in the proceedings before Lok Adalat and Lok Adalat has passed an order dated 11.02.2023 making the settlement part of the Award, therefore, it is binding on the employer, even without the same being registered. In support of the submission, he has placed reliance on Section 21 of the Legal Services Authorities, 1987, and has contended that as per Section 21 of the Legal Service Authorities Act, 1987, every Award of the Lok Adalat shall be deemed to be a decree of a civil court and would therefore be binding and enforceable.



9. Although by previous order, the original record of the Lok Adalat was requisitioned and it has been produced before us, we still feel that the issue as to whether the recital in the settlement that, during inquiry and even upon its conclusion, the services of the workmen would not be terminated, is an interpolation or not, does not arise for examination in the present appeals, inasmuch as, the learned Single Judge has dismissed the Writ Petitions solely on the ground that the petitioners-appellants have alternative and efficacious remedy under the provisions of the U.P. Industrial Disputes Act, 1947.

10. Even if, we accept the submission that the settlement was a genuine one and the order passed by the Lok Adalat amounts to an Award and does not require any registration under the provisions U.P. Industrial Disputes Act, 1947, in case, the employer had violated the conditions stipulated in the Award, it is open to the workmen to execute the same as decree of a civil court in view of Section 21 of the Legal Services Authority Act, 1987.

11. Thus, the ultimate conclusions arrived at by learned Single Judge that the petitioners-appellants (workmen) have other efficacious remedy available to



them, and that the employer is neither 'State' within the meaning of Article 12 nor performing any public function and therefore not amenable to writ-jurisdiction, are found to be correct.

12. In view of the above, we find no good ground to interfere with the order passed by the learned Single Judge except for observing that the appellants-workmen shall be at liberty to choose their remedy either before the Civil Court or under the provisions of the U.P. Industrial Disputes Act, 1947.

13. With the aforesaid clarification, the appeals are dismissed.

14. We also clarify that we have not decided any issue on merits and all the pleas and contention are accordingly left open for being raised before appropriate forum.

15. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 17.03.2026
Kaushal