

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:19.02.2015.

M/s Superior Industries Ltd. Through its Executive Director

.....Petitioner

v.

Presiding Officer,Industrial Tribunal-cum-Labour Court-I, Faridabad
and another

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Shiv Kumar,Advocate for the petitioner
Ms.Abha Rathore,Advocate for respondent-workman.

Jaswant Singh,J.(Oral)

The management is in revision primarily aggrieved by the order dated 28.8.2012 (P-5) passed by the learned Industrial Tribunal, Faridabad whereby defence of the respondent-management was struck off for not filing the documents in compliance of the previous order dated 13.2.2012.

In short, service of the respondent-workman from the rank of Operator were dispensed with after alleged departmental enquiry. The workman raised an industrial dispute inter alia pleading that no departmental enquiry had been conducted at all. It is in this background the learned Labour Court vide order dated 13.2.2012 directed the management to file documents qua enquiry within 15 days with advance copy to the workman. The said direction was not complied with on successive dates leading to the passing of the impugned order dated 28.8.2012 (P-5). This Court vide order dated 22.2.2013 while issuing notice of motion had directed the Labour Court to adjourn the proceedings beyond the date fixed before this Court subject to payment of Rs.5000/- as litigation expenses to be deposited with the Registry of

this Court.

Subsequently before this Court on 5.9.2013 it was conveyed that the management had since passing of the order dated 28.8.2012(P-5) furnished all the enquiry documents on record before the learned Labour Court. On a direction by this Court, an affidavit on behalf of the petitioner was also filed. It is further borne out from the order dated 27.2.2013 passed by the learned Labour Court that the required documents had factually been filed.

After hearing counsel for the parties, without going into the rival contentions of the learned counsel for the parties, this Court deems it expedient to allow present revision petition, set aside impugned order dated 28.8.2012(P-5) and in the light of required documents having been placed on record before the Labour Court, Faridabad, to direct the Labour Court to expedite the pending reference before it. Ordered accordingly.

However, for the inconvenience caused to the workman besides the release of Rs.5000/- as litigation expenses deposited with the Registry of this Court, he is also entitled to another sum of Rs.10,000/- as costs as a condition precedent. The costs shall be paid to the workman within one month from today.

Parties through their counsel are directed to appear before the learned Labour Court on 24.3.2015.

19.02.2015
joshi

(Jaswant Singh)
Judge