

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

C.R. No. 370 of 2015

Date of decision: 16.01.2015

Block Development and Panchayat Officer, Ambala and another
...Petitioner(s)

Versus

Moni and others
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. S.S. Jattan, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present revision petition filed under Article 227 of the Constitution of India is to the order dated 12.11.2014 (Annexure P-2) whereby, the Presiding Officer of the Labour Court, Ambala has struck off the defence of the present petitioners who were arrayed as respondents no. 3 and 4 in the reference titled as Moni vs. Block Development and Panchayat Officer. The reason given by the Labour Court is that the reply had not been filed in spite of the claim statement having been filed on 11.07.2014.

Counsel for the petitioner submits that the reply could not be filed since Mohinder Singh, Sachiv (Secretary), who was deputed to contest the case had met with an accident. It is submitted that the written statement of the petitioner is necessary since the services of the workman were terminated on account of instructions given by them. He submits that the case is at the initial stage and is fixed for 20.01.2015 and the other side can be compensated by way of payment of costs.

In such circumstances, keeping in view the basic principle that

the rules of procedure are hand-maids of justice and a party should be given an effective chance to defend his case, specially where serious civil consequences are involved, this Court is of the opinion that the other side can be adequately compensated by payment of costs.

In view of the above, this Court is of the opinion that the present petition is liable to be allowed. No notice is being issued to the respondents as it will unnecessarily entail unnecessary expenses and delay the matter. Even if they put in appearance, the result would remain the same. However, it is open to the respondents to file an appropriate application for recalling of the order in case there is any concealment of fact.

Accordingly, the present revision petition is allowed and the order dated 12.11.2014 is set aside to the extent whereby, the defence of the petitioners has been struck off. The petitioners shall file their written statement on the next date of hearing, subject to payment of ₹3,000/- as costs, to be paid to the workman.

16.01.2015
shivani

(G.S. SANDHAWALIA)
JUDGE