

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

CWP no.1672 of 1993(O&M)

Date of Decision : 07.01.2015

The Punjab Small Industries and Export Corp. Ltd.

....Petitioner

Versus

The Presiding Officer, Labour Court, Patiala and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Sanjeev Sharma, Advocate for the petitioner

MAHESH GROVER, J.

The petitioner has impugned the ex parte award dated 20.8.1990 by which the reference preferred by the workman was accepted in his favour which resulted in an order of reinstatement with continuity of service and full back wages with a further stipulation that the workman report for duty within 30 days of the publication of the award.

An attempt was made by the petitioner to get the award set aside by moving an appropriate application before the Labour Court, Patiala which was declined vide order dated 30.7.1992 resulting in the filing of the instant petition which was admitted but without any interim orders.

Learned counsel for the petitioner has contended that pursuant to the award back wages were paid to the workman which is reflected from Annexure P-4 but in so far as reinstatement is concerned the workman himself defaulted and never reported for duty. An additional affidavit has been filed alongwith CM no.17753 of 2013 in which this fact has been categorically stated. There has been no denial to this fact. If that be so then evidently the workman has abandoned his duty after a portion of award was

satisfied in his favour. That apart petition has been pending in this Court since 1993 and if the workman never reported for duty then in view of this situation, this Court would accept the additional affidavit filed by the Senior Law Officer of Punjab Small Scale Industries and Export Corporation Limited and held that since the workman has not reported for duty despite the directions given by the Labour Court, he evidently by his conduct has waived off his right to serve the petitioner. Since the rest of the award stands implemented, instant petition is disposed of as having outlived its cause.

January 07, 2015
rekha

(MAHESH GROVER)
JUDGE