

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.8091 of 2013
Date of Decision: July 02, 2015

M/s Chandan Mal Binod Kumar, 1617/1, Bali Singh Bhagwan Singh Road,
Ghee Mandi Chowk, Amritsar

...Petitioner

Versus

Presiding Officer, Industrial Tribunal, Amritsar & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Bikramjit Arora, Advocate,
for the petitioner.

None for the respondents.

AMIT RAWAL, J. (Oral)

The petitioner has approached this Court by challenging the *ex-parte* award dated 2.6.2011 (Annexure P-1), whereby the reference has been decided against the Management.

Mr.Bikramjit Arora, learned counsel appearing on behalf of the petitioner-Management submits that in pursuance to the receipt of the notice issued by the Labour Court, representative of the Management appeared but thereafter he did not appear nor informed the Management about the proceedings and the Management was accordingly proceeded against *ex-*

parte and in view of the *ex-parte* evidence led by the workman, he was held entitled to reinstatement with continuity of service and full back wages.

This Court, while issuing notice of motion, had directed the petitioner-Management to deposit a sum of ₹1.00 lac before the Registrar General of this Court in some interest earning bank account and a further sum of ₹20,000/- before the Registrar General to defray the litigation expenses of the workman.

The Management is stated to have deposited a sum of ₹1,20,000/-.

As per the office report, respondent No.2 has been served but no body has put in appearance.

Learned counsel for the petitioner submits that in case the petitioner is given an opportunity to lead evidence, it would be able to belie the alleged claim of the workman.

The prayer made by the learned counsel for the petitioner is fair, particularly when there is no representation on behalf of the workman. The *ex-parte* award dated 2.6.2011 is hereby set-aside. The matter is remitted back to the Labour Court to decide the same afresh after affording opportunity to the parties to the lis to lead evidence in support of their respective claims.

In order to defray the litigation expenses, a sum of ₹20,000/- deposited by the Management as per order of this Court, be released in favour of the Labour Court-cum-Industrial Tribunal, Amritsar, who shall further make the payment to the workman on his appearance. A sum of ₹1.00 lac deposited with the Registrar General of this Court is ordered to be

refunded to the petitioner-Management through the authorised representative of the Management.

It is expected that the Labour Court shall decide the matter as expeditiously as possible, preferably within a period of one year.

The writ petition is disposed of accordingly.

July 02, 2015
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(AMIT RAWAL)
JUDGE