

In the High Court of Punjab and Haryana, at Chandigarh

Letters Patent Appeal No. 601 of 2015 (O&M)

Date of Decision: 11.12.2015

The Patti Co-operative Agriculture Society Limited

... Appellant

Versus

The Superior Judicial Service Presiding Officer, Labour Court, Jalandhar
and Others

... Respondents

**CORAM: Hon'ble Mr. Justice Satish Kumar Mittal.
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. Harshanran Singh Bajwa, Advocate
for the appellant.

Mr. R.P.Dhir, Advocate
for respondent No.2.

Satish Kumar Mittal, J.(Oral)

The Patti Co-operative Agriculture Society Limited has filed Civil Writ Petition No. 7530 of 1993 challenging the award dated 28.2.1992, passed by the Presiding Officer, Labour Court, Jalandhar whereby the respondent-workman was ordered to be reinstated in service with full back wages. The said award was *ex parte*. The appellant has also challenged the notice of the recovery of the balance amount, as per award. The said writ petition was admitted on 5.4.1994 and the operation of the impugned award was set aside subject to compliance of the provisions of Section 17-B of the Industrial Disputes Act, 1947. When this matter was taken up for hearing after more than

20 years, the following order was passed on 9.1.2015:-

"Learned counsel for the petitioner states that he has no instructions as letters written by him to the petitioner have gone unanswered. Facts of the case indicate an ex parte award which was stayed subject to compliance of provisions of Section 17-B. With the efflux of time and on account of lack of instructions, I am of the considered opinion that instant petition has outlived its utility and the same is dismissed as such."

When the appellant came to know about the said order, the instant appeal has been filed by the Management.

After notice, the delay was condoned and now the matter has come up for hearing before us. Undisputedly, the counsel, who appeared on behalf of the appellant on 9.1.2015, had no instructions and on that account the petition was dismissed.

We are of the opinion that when the appellant is here to argue his petition, an opportunity should be given to decide the said writ petition after hearing. Accordingly, we set aside the impugned order and remit the matter to the learned Single Judge to consider and decide the said writ petition, filed by the appellant on merit and in accordance with law.

(Satish Kumar Mittal)
Judge

(Shekher Dhawan)
Judge

December 11, 2015
"DK"