

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

Civil Revision No.4041 of 2016 (O&M)

Date of Decision: July 04, 2016

The Managing Director, Food Corporation of India and others

.....PETITIONERS

VERSUS

Gulzar Singh (since deceased) through his LRs

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Satinder Khanna, Advocate
for the petitioners.

SURINDER GUPTA, J.

CM No.12212-CII-2016

Heard.

2. This is an application to implead the legal heirs of Gulzar Singh-respondent, who is stated to have died leaving behind his legal heirs as mentioned in para 3 of the application.

3. The application is allowed.

CR-4041-2016

4. This is revision petition challenging the order dated 20th June, 2013 passed by the Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court-I, Chandigarh (later referred as 'Labour Court'), whereby the counsel for petitioners i.e. Management was debarred from representing it before the Tribunal, in view of the provisions of Section 36 of the Act.

5. Learned counsel for the petitioner has argued that this objection could be taken on the first date of hearing by the workman, as such, provisions of Section 36 of the Industrial Disputes Act, 1947, were not applicable to debar the management from engaging an advocate to represent it.

6. Perusal of the order shows that the workman had raised the objection in the rejoinder, after filing of the reply by the Management through its advocate. A copy of the interim order incorporated in the petition shows that the objection was raised immediately after filing of the reply, as such, there was no delay on the part of the workman in raising the objection. Moreover, the order is dated 20th June, 2013 and this petition filed after lapse of about three years of the passing of the order is bad on the ground of delay and laches as well. As per provisions of Section 36 Industrial Disputes Act, the management/petitioners could avail service of an advocate to represent it with the consent of other party to proceedings or permission of labour Court/Tribunal. In view of the objection raised by workman, the learned Presiding Officer, Labour Court, has committed no error of law calling for interference in the order under challenge in this revision.

7. No other argument has been addressed.

8. This petition has no merits.

Dismissed.

July 04, 2016
deepak/jv

(SURINDER GUPTA)
JUDGE