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CWP-8875-2006

**THE RAJO-KE BORDER COOP SOCIETY V/S POLC
AND ANR.**

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Present: Mr. IS Saggu, Advocate
For the petitioner.

Mr. DR Punia, Advocate
For respondent-workman

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Jagir Kaur Wd/o Sh. Dara Singh filed an application under Section 33-C(2) of the Industrial Disputes Act, 1947 against the Rajo Ke Border Cooperative Society Limited. The respondent-Society was proceeded *ex parte* by the Presiding Officer, Labour Court, Amritsar vide order dated 08.10.2001 and ultimately, the Labour Court vide its award dated 16.12.2002 allowed the application filed by the workman and passed an *ex parte* award against the Society in the sum of Rs.40,780/-.

The Society filed an application before the Presiding Officer, Labour Court, Amritsar on May 21, 2003 for setting aside the *ex parte* order dated 16.12.2002, Annexure P-3 vide which the application filed by the workman under Section 33-C(2) of the Industrial Disputes Act had been accepted and prayed for disposal of the same after hearing the Society. This application was considered by the Labour Court and ultimately, dismissed vide order dated 07.11.2005, Annexure P-6. Hence, this writ petition at the instance of the Society challenging these two orders.

The writ petition was admitted and stay granted vide order dated August 21, 2007.

This writ petition is pending for the last more than 10 years. The matter was discussed with the learned counsel for the parties. Learned Counsel appearing for the parties agree that the impugned orders, Annexure P-3 dated 16.12.2002 and Annexure P-6 dated 07.11.2005 be set aside and the matter be remitted back to the Labour Court for disposal of the application filed by the workman on merits after affording the petitioner-Society an opportunity of filing reply to the application. In view of the agreed stand of the learned counsel for the parties, orders Annexure P-3 & P-6 are set aside and the writ petition is disposed of with a direction to the Labour Court to dispose of the application filed by the workman under Section 33-C(2) of the Industrial

Disputes Act within a period of 06 months from the date of receipt of this order.

Parties through their counsel are directed to put in appearance before the Labour Court on 22.12.2016 for further proceedings. The writ petition is disposed of in the above terms.

(G.C. GARG)
PRESIDENT

(N.K. KAPOOR)
MEMBER

November 29, 2016

Naina Rajput