

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

CWP No.1111 of 2016

Date of Decision:02.12.2016

M/s Ridhima Oversea (P) Ltd.

... Petitioner

Vs.

Presiding Officer and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

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

Mr. Pankaj Jain, Advocate for respondent No.2.

P.B. BAJANTHRI J.

The petitioner-management has questioned the award passed by the Industrial Tribunal-cum-Labour Court-I, Gurgaon dated 16.4.2012.

The respondent while working as a Accountant his services were terminated on 24.1.2009. Respondent-workman raised industrial dispute. Thus, reference was under consideration before the Industrial Tribunal-cum-Labour Court. The management though served but not represented before the Labour Court. Thus, the Labour Court proceeded to pass ex parte award on 16.4.2012.

Learned counsel for the respondent-workman submitted that despite service, petitioner-management failed to appear before the Labour Court and there is a delay of 3 years in filing the present petition, despite having knowledge of award dated 16.4.2012 by the petitioner-management.

Learned counsel for the petitioner-management submitted that raising of industrial dispute by the respondent-workman is under dispute for the reasons that he was holding the post of Accountant, therefore, he would not fall under the definition of workman.

Admittedly, award is an ex parte. Without hearing the

petitioner-management, the Labour Court proceeded to pass award.

In view of these facts and circumstances, award dated 16.4.2012 is set aside and the matter is remanded to the Labour Court. The Industrial Tribunal-cum-Labour Court-I, Gurgaon is requested to decide Reference no.320 of 2011 afresh within a period of 6 months from today. Both the parties are directed to assist the Labour Court to decide the reference at the earliest. Subject to petitioner-management to pay cost of Rs.30,000/- to the respondent-workman within a period of 2 months from today.

Accordingly, the present petition stands disposed of.

02.12.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**