

In the High Court of Punjab and Haryana at Chandigarh

**Civil Writ Petition No. 19252 of 2012
Date of Decision: 07.1.2016.**

Anu Kumar

.....Petitioner

Versus

Presiding Officer, Labour Court,
Ambala and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Surinder Avinash K. Sharma, Advocate
for the petitioner.

Mr. Neeraj Sharma, Advocate
for respondent No. 2.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India challenging the award dated 17.2.2012 (Annexure P-1) passed by the Labour Court, Ambala.

Petitioner had raised an industrial dispute by serving a demand notice challenging his termination. The dispute was referred to the Labour Court for adjudication by the appropriate government. Before the Labour Court, respondent No. 2 was proceeded *ex parte*. The Labour Court vide its impugned award Annexure P-1 dismissed the reference. Hence, the present petition by the petitioner.

During the course of arguments, learned counsel for the petitioner as well as learned counsel for respondent No. 2 have submitted that the impugned award be set aside and the Labour Court be directed to pass a fresh award.

Learned counsel for respondent No. 2 has submitted that the *ex parte* proceedings against respondent No. 2 be set aside.

The said submission made by learned counsel for respondent No. 2 has not been opposed by the learned counsel for the petitioner.

Learned counsel for the petitioner has submitted that petitioner be permitted to lead further evidence in respect of his case.

The said request has not been opposed by learned counsel for respondent No. 2.

Accordingly, this petition is allowed. Impugned award dated 17.2.2012 (Annexure P-1) is set aside. The Labour Court is directed to pass a fresh award, in accordance with law after affording opportunity to the parties to lead their respective evidence.

**(SABINA)
JUDGE**

January 07, 2016
Gurpreet