

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

CWP No.1603 of 2014

Date of Decision:06.12.2016

M/s R.S. Enterprises

... Petitioner

Vs.

The Presiding Officer and another

... Respondents

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

Present : Mr. Anil Shukla, Advocate for the petitioner.

Ms. Abha Rathore, Advocate for respondent No.2.

P.B. BAJANTHRI J.

In the instant writ petition, the petitioner has questioned the validity of the award dated 2.1.2013 passed by the Industrial Tribunal-cum-Labour Court.

An ex parte award has been passed against the petitioner by the Labour Court while deciding reference No.183 of 2011. The Labour Court ordered reinstatement of respondent No.2 with continuity in services from the date of termination alongwith 30% backwages.

Learned counsel for the petitioner submitted that during the pendency of the present petition, the petitioner-company was closed down on 31.10.2013.

If it is disputed by respondent No.2 herein, the petitioner has to establish before the Labour Court that petitioner-company is closed on 31.10.2013. However, it is to be noted that on the date of award dated 2.1.2013, the petitioner-company was very much in existence. Since the award is an ex parte, therefore, award dated 2.1.2013 is set aside and the matter is remanded to the Labour Court for deciding reference no.183 of 2011 afresh within a period of six months from today. Subject to payment of

cost of Rs.20000/- to be paid by the petitioner to respondent No.2. Respondent No.2 is also entitled to a sum of Rs.30,000/- which was drawn in his favour and deposited with this Court. The Registrar General of this Court is directed to release banker's cheque of Rs.30,000/- in favour of respondent No.2 within a period of two weeks from today. The parties are directed to appear before the Labour Court on 9.1.2017. If the LCR in this case is received by the Registry of this Court, the same shall be returned to the Labour Court.

The petition stands disposed of accordingly.

06.12.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No