

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18586 of 2013

Date of Decision:- 25.10.2016.

Bans Raj

.....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad
and another

.....Respondents

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

Present: Mr.Shiv Kumar, Advocate for the petitioner.

Mr. Anil Shukla, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has questioned the award dated 13.5.2011 and order dated 15.5.2013 passed by the Labour Court vide Annexure P/3 and P/6, respectively.

Learned counsel for the petitioner submitted that petitioner was appointed as a Press Operator on 13.5.1992 and his services were terminated on 10.3.2010. He raised a demand notice on 15.4.2010. Reference was made. The Labour Court fixed the date of hearing on 13.5.2011. The petitioner counsel wrongly noted the date as 13.6.2011. Consequently, the petitioner counsel could not appear before the Labour Court on 13.5.2011. Thus, the Labour Court proceeded to pass the *ex parte* order on 13.5.2011. Thereafter, the petitioner moved an application

recalling the order dated 13.5.2011. The same was rejected on 15.5.2013.

Hence, the present petition.

The petitioner was appointed on 13.5.1992 and his services were terminated on 10.3.2010. Learned counsel for the petitioner submitted that termination is without inquiry and notice. In view of these facts and circumstances, the award of the Labour Court dated 13.5.2011 and order dated 15.5.2013 are set aside and the matter remanded to the Labour Court for fresh disposal of reference. The Tribunal is requested to decide the reference afresh within a period of five months from today.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

October 25, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.