

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

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CWP No. 6003 of 2011(O&M)

Date of decision:17.11.2016

M/s Tube Investments of India Ltd.

.... Petitioner

Versus

Presiding officer, Labour Court and another

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr.P.K.Mutneja, Advocate for the petitioner.

Mr. Gobind Korla, Advocate for
Mr. Sandeep K.Sharma, Advocate for respondent No.2.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner-Management have questioned the validity of order dated 14.07.2009 and order dated 05.10.2009 vide Annexures P6 and P8 respectively.

2. Respondent No. 2 was appointed with the petitioner-Management on 01.01.1988 and his services were terminated on 01.07.2000. He raised Industrial dispute which was the subject matter before the Labour Court, Faridabad under reference No. 201/01. Reference was decided ex parte on 14.07.2009. The petitioner-management moved an application for recalling the order dated 14.07.2009 and the same was dismissed in default on 05.10.2009 vide Annexure P8.

3. Learned counsel for the petitioner submitted that the petitioner-Management's representative did not appear on 13.07.2009 due to some inconvenience. Thus, the Labour Court proceeded with hearing the matter and ex-parte order on 13.07.2009 was passed. Perusal of zimny orders dated 22.05.2009, 08.06.2009 and 13.07.2009 it is evident that the petitioner-Management should have been given an opportunity instead of hearing ex-parte and proceeded to pass award.

4. Therefore, the award dated 14.07.2009 and the order dated 05.10.2009 are set aside and the matter is remanded to the Labour Court, Faridabad to decide the reference no. 201/01 a fresh within a period of 6 months from today subject to payment of cost of Rs.25,000/-. The petitioner is directed to pay cost to the respondent-workman Sh.Sushil Kumar within a period of 2 months from today.

5. If the Registry is in receipt of any lower court records, the same shall be transmitted to the labour court at the earliest.

17.11.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No