

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

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**CWP No. 26177 of 2012 (O&M)
Date of decision: 23.07.2016**

Haryana Khadi and Village Industries Board

....Petitioner

Versus

Krishan Lal and another

.... Respondents

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

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Dhiraj Chawla, Advocate for the petitioner.

Ms. Abha Rathore, Advocate for respondent No.1.

P.B. Bajanthri, J.(Oral)

In the instant writ petition, the petitioners have assailed the Award dated 11.10.2016 passed by the Industrial Tribunal-cum-Labour Court, Panipat (Annexure P1).

2. Respondent No.1 was engaged as a casual labourer on 01.01.1997. The same is disputed by the petitioner that Ist respondent has joined service only in the year 2002. The respondent is stated to have issued a demand notice on 28.10.2005. Learned counsel for the petitioner submitted that the Khadi and Gramudhyog Centre where Ist respondent was working, was closed on 27.06.2003. Thereafter, the respondent has raised dispute in the year 2005. The Labour Court passed Award in favour of Ist respondent. Learned counsel for the petitioner submitted that before the

Labour Court, the petitioner-Board is not arrayed as party. When the Khadi and Gramudhyog Centre where respondent was working is closed, the respondent should have arrayed the Board as party before seeking reference from the Government. It is evident from the records that the petitioner-Board is not arrayed as a party.

3. In view of these facts and circumstances, the Award dated 11.10.2010 is set aside. This order will not come in the way of respondents to seek fresh reference from the Government/competent authority. If the reference is made to the Industrial Tribunal, the petitioner and respondents are directed to co-operate in disposal of reference matter. Industrial Tribunal is requested to disposed of respondents' reference within a period of 4 months, since most of the records are already available.

4. Civil Writ Petition stands disposed of.

23.07.2016

pooja saini

(P.B.BAJANTHRI)
JUDGE