

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

CWP No.27949 of 2013

Date of Decision:16.08.2016

M/s United Traders

... Petitioner

Vs.

Presiding Officer and another

... Respondents

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

Present : Ms. Shruti Gupta, Advocate for the petitioner.

None for respondent No.2.

P.B. BAJANTHRI J.

The petitioner has assailed the award dated 7.8.2013. While ordering notice of motion on 18.12.2013, the operation of the impugned award was stayed subject to compliance of provisions of Section 17-B of the Industrial Disputes Act, 1947. Thereafter, the petitioner issued notice to the respondent-workman for joining duty with immediate effect vide communication dated 7.1.2014 (Annexure P-12). It was stated that till date he has not reported to duty though the petitioner intends to take him to duty.

On 31.3.2015, this Court passed the following order:

“On the last date of hearing, service upon respondent No.2 was shown to have been effected but the case was adjourned in the interest of justice to await appearance. Today also, no one has put in appearance on behalf of respondent No.2, therefore, he is proceeded against ex parte.

To come up for arguments on 14.7.2015.

Interim order to continue.”

Thereafter the matter was listed on 14.7.2015, 8.1.2016 and 16.5.2016, however, there is no representation on behalf of respondent No.2.

In view of the above facts and circumstances of the case as also the fact that though the petitioner intends to take respondent No.2 on duty but he is not coming forward to accept the duty report, the award dated 7.8.2013 is set aside.

The petition stands allowed.

16.08.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**