

In the High Court of Punjab and Haryana at Chandigarh

Civil Writ Petition No. 25018 of 2015
Date of Decision: 29.2.2016.

Ajesh Sharma

.....Petitioner

Versus

Presiding Officer, Central Government,
Industrial Tribunal-cum-Labour Court-I,
Chandigarh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.K.Yadav, Advocate
for the petitioner.

Mr. Amninder Singh, Advocate
for Mr. Manik Garg, Advocate
for respondents No. 2 and 3.

SABINA, J.

Petitioner has filed this petition under Article 226 of Constitution of India challenging the award dated 3.11.2014 (Annexure P-4).

Petitioner had raised an industrial dispute by serving a demand notice challenging his termination. The said dispute was referred for adjudication to Central Government, Industrial Tribunal-cum-Labour Court-I, Chandigarh by the appropriate Government. On receipt of the reference, the Central Government, Industrial Tribunal-cum-Labour Court issued notices to the parties for 10.6.2014. The reference was dismissed for want of prosecution vide the impugned award dated 3.11.2014.

Learned counsel for the petitioner has submitted that the Industrial Tribunal-cum-Labour Court was required to answer

the reference on merits and could not dismiss the same for want of prosecution. In fact, petitioner had moved an application on 28.5.2014 to the appropriate Government for transferring the dispute from Chandigarh to Delhi.

Learned counsel for respondents No. 2 and 3, on the other hand, has opposed the petition.

In the present case, petitioner had raised an industrial dispute challenging his termination. The said dispute was referred for adjudication to the Central Government, Industrial Tribunal-cum-Labour Court-I, Chandigarh. The reference made by the Government reads as under:-

“Whether the action of the management of General Manager, M/s International Centre for Automotive Technology (ICAF), IMF Manesar, Gurgaon for giving appointment directly and later on deployed through contractor and thereafter termination of services of Shri Ajesh Sharma son of Shri Ram Kumar Sharma Ex-Workman w.e.f. 28.5.2012 is just, fair and legal? If not, to what relief the workman is entitled to and from which date ?”

On receipt of reference, the Presiding Officer issued notices to the parties for 10.6.2014 as is evident from Annexure P-2. Annexure P-3 is the application moved by the petitioner for transfer of the dispute from Chandigarh to Delhi. On 3.11.2014, none appeared on behalf of the petitioner and the Industrial Tribunal-cum-Labour Court dismissed the reference for want of prosecution vide award dated 3.11.2014. Since the reference had been made to the Labour Court by the appropriate Government for

deciding the dispute raised by the petitioner, it was imperative on the part of the Industrial Tribunal-cum-Labour Court to dispose of the reference on merits. The Industrial Tribunal-cum-Labour Court could not dismiss the reference for want of prosecution. Moreover, the absence of the workman before the Labour Court appears to be for the reason that he had sought transfer of the reference from the Court at Chandigarh to Delhi. Hence, it would be just and expedient to set aside the impugned award dated 3.11.2014 (Annexure P-4) and direct the Industrial Tribunal-cum-Labour Court to dispose of the reference on merits.

Accordingly, this petition is allowed. Impugned award dated 3.11.2014 (Annexure P-4) is set aside. Consequently, Central Government, Industrial Tribunal-cum-Labour Court-I, Chandigarh is directed to dispose of the reference on merits, in accordance with law.

**(SABINA)
JUDGE**

February 29, 2016
Gurpreet