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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25055 of 2015

Date of decision: January 12, 2016

Rajbir Singh

.....Petitioner

Versus

Milton Cycle Industries Limited and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Gitish Bhardwaj, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 16.09.2015, whereby, respondent No.1 was permitted to amend the written statement.

Learned counsel for the petitioner has submitted that the Industrial Dispute-cum-Labour Court has erred in allowing the application moved by respondent No.1 for amendment of written statement at a belated stage. Petitioner had already concluded his evidence.

Petitioner had raised an Industrial dispute by serving a demand notice challenging his termination. The appropriate Government referred the dispute for adjudication to Industrial Tribunal-cum-Labour Court, Panipat. Petitioner submitted his statement of claim and respondent No.1 submitted its reply. Thereafter, charges were framed and evidence of the petitioner was recorded. Respondent No.1 moved an application Annexure P-6 for permission to amend the written statement. By way of amendment, respondent No.1 wants to take up the plea that the

petitioner had remained absent from duty and had been issued a charge-sheet, but he had failed to file any reply to the same. Petitioner had failed to join the inquiry proceedings. The Industrial Tribunal-cum-Labour Court allowed the application moved by respondent No.1 vide the impugned order dated 16.09.2015. The learned Industrial Tribunal-cum-Labour Court allowed the application moved by respondent No.1 for permission to amend the written statement in the interest of justice, subject to payment of costs. Respondent No.1 was yet to lead its evidence.

The case of the petitioner was that his services had been orally terminated, whereas, by way of amendment respondent No.1 wants to take up the plea that inquiry proceedings had been initiated against the petitioner on account of his absence from duty. In case, respondent No.1 is permitted to amend its written statement, it will enable the Industrial Tribunal-cum-Labour Court to dispose of the *//s* between the parties more effectively. Moreover, both the parties will get an opportunity to enable them to put up their case as per their pleadings.

No ground for interference is made out as the impugned order is just and legal.

Dismissed.

**(SABINA)
JUDGE**

January 12, 2016
mahavir