

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

CWP No.2520 of 2015

Date of Decision:-16.11.2016.

M/s Om Vajara Kaya Construction Company

.....Petitioner

Versus

Industrial Tribunal, Patiala and others

.....Respondents

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

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Present: Mr. Ashok Kumar Khubbar, Advocate for the petitioner.

Mr. M.L. Dhawan, Advocate for respondent No.4.

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**P.B. BAJANTHRI, J. (Oral)**

1.) Petitioner has questioned the validity of the order dated 22.4.2014 passed by the Industrial Tribunal, Patiala. The fourth respondent was engaged by the petitioner-firm as a Project Advisor-cum-Senior Civil Engineer. His services were engaged for the construction at the site of petitioner-firm which is situated at Lalru, Tehsil Dera Bassi, District Mohali. The fourth respondent furnished the address of the petitioner where his services were engaged by the petitioner. Before the Industrial Tribunal, petitioner remained *ex parte*. Thus, the Industrial Tribunal proceeded to pass *ex parte* award on 22.4.2014 by which the respondent No.3 was directed to pay an amount of ₹ 73,597/- to the fourth respondent within 45

passed by the Industrial Tribunal dated 22.4.2016 presented this petition contending that the petitioner's head office is in Delhi. The fourth respondent has not taken service of notice to Delhi address and by impleading correct address in respect of third respondent at Delhi where the petitioner's head office is situated. Therefore, service is incomplete. Consequently, the Industrial Tribunal ex parte order is arbitrary and illegal.

2.) Per contra, learned counsel for the fourth respondent submitted that services of the fourth respondent were engaged by the petitioner at construction site at Lalru, Tehsil Dera Bassi, District Mohali. Therefore, rightly he has furnished the address of the site work where his grievance lies.

3.) Heard learned counsel for the parties.

4.) There is no infirmity in respect of furnishing the address of the respondent at Lalru, Tehsil Dera Bassi, District Mohali. Learned counsel for the petitioner submitted that service of notice is incomplete and the Tribunal proceeded to ex parte, therefore, the award passed dated 22.4.2014 is to be set aside and remand the matter to the Industrial Tribunal. Since the petitioner has not been heard by the Industrial Tribunal, Patiala in application 349 of 2012 on 22.4.2014, therefore, the order dated 22.4.2014 passed by the Industrial Tribunal, Patiala vide Annexure P-10 is set aside and the matter is remanded to the Industrial Tribunal, Patiala to re hear the application No.349 of 2012 within a period of six months subject to payment of cost of ₹ 20,000/-. Cost shall be paid to the fourth respondent- Girdhari Lal Kalra within a period of two months from today. If the LCRs are received by this Court, the same shall be returned to the Labour Court at

5.) Writ petition stands disposed of.

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

**November 16, 2016.**  
*sandeep sethi*

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.