

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.663 of 2014 (O&M)
Date of Decision:- 08.08.2016.

H.M.M. Coaches Ltd. now H.M.M. Infra Ltd.

.....Petitioner

Versus

Presiding Officer, Labour Court, Ambala (Haryana) and another

.....Respondents

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

Present: Mr. Ashwani Talwar, Advocate for the petitioner.

Mr. B.S. Saini, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

CM No.8371 of 2016

CM for disposal of the main writ petition dismissed as withdrawn is allowed for the reasons stated in the application as well affidavit.

CWP No.663 of 2014

1.) The petitioner assails the award dated 27.5.2013. The Labour Court while passing the award directed for reinstatement, continuity in service with 50% back wages. On 3.2.2014 award dated 27.5.2013 was stayed. Thereafter, workman-respondent No.2 filed application under Section 17-B of the Industrial Disputes Act, 1947 (in short the '1947 Act') on 25.2.2014. Petitioners submitted their reply and rejoinder was filed on

disposal on 18.12.2014. Thereafter, matter was listed on 18.12.2014 and it was adjourned to 13.1.2015 at the request learned counsel for the petitioner. For want of Lower Court Record and in order to inspect the same, matter was directed to be listed on 27.2.2015 along with CWP No.27578 of 2013. On 27.2.2015, a written request was circulated on behalf of counsel for the petitioner and the matter was adjourned to 6.4.2015. On 6.4.2015, at the behest of counsel for the petitioner matter was adjourned and again it was listed on 26.5.2015. On 14.7.2015, matter was adjourned to 5.8.2015 at the behest of counsel for the petitioner. On 4.11.2015 again the matter was adjourned to 5.2.2016. On 5.2.2016 again at the instance of learned counsel for the petitioner, matter was adjourned to 26.8.2016. In the meanwhile, the respondent-workman's counsel moved an application on 19.4.2015 and 10.3.2016 to decide the CM application for 17-B of the 1947 Act. On 26.7.2016, the learned counsel for the petitioner submitted that he be permitted to withdraw this CWP. Proxy counsel for the respondent sought time. It was adjourned to 27.7.2016. On 27.7.2016 again matter was adjourned to today. Today learned counsel for the petitioner submitted that it is his petition and who has challenged the award of the Labour Court dated 27.5.2013. He has right to withdraw the petition. The same cannot be opposed by learned counsel for the respondent-workman. Further it was submitted that the workman has alternative remedy seeking relief in respect of intervening period from the date of award till reinstatement. Learned counsel for the respondent-workman resisted the plea of the counsel for the petitioner stating that workman has been unnecessarily harassed from the date of his application under Section 17-B of the 1947 Act i.e. in the month of February, 2014. In view of these facts and circumstances, learned

counsel for the petitioner is permitted to withdraw the petition subject to payment of cost of ₹ 1,00,000/- to the workman having regard to the conduct of the petitioner from the date of reply submission of CM application under Section 17-B of the 1947 Act by the workman dated 4.10.2014. That apart identical matters i.e. CWP Nos.27578, 28229, 27765, 28228, 27580, 28250 and 27763 of 2013 were disposed of by this Court against the petitioner on 24.12.2015. Feeling aggrieved by the order of the learned Single Judge they have preferred LPA Nos.307 to 313 of 2016 which were dismissed as withdrawn on 26.5.2016. In all fairness the petitioner could have stated as and when identical CWPs were dismissed and LPA has been filed and its withdrawal. On the contrary in application and affidavit for withdrawal of the above CWP liberty to file fresh petition has been sought.

3.) Petition stands dismissed as withdrawn.

(P.B. BAJANTHRI)
JUDGE

August 8, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.