

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

CWP No.6755 of 2014

Date of Decision:21.11.2016

BCH Electric Limited

... Petitioner

Vs.

Presiding Officer and another

... Respondents

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

Present : Mr. Adarsh Jain, Advocate for the petitioner.

Mr. Deepak Sonak, Advocate for respondent No.2.

P.B. BAJANTHRI J.

In the instant writ petition, the petitioner has assailed the award passed by the Labour Court dated 22.5.2013 (Annexure P-5).

The Labour Court framed the following issues:

- “1. Whether order dated 25.9.06 passed by the respondent is illegal and same is liable to be set aside? OPA*
- 2. If issue No.1 is proved, whether claimant is entitled for the relief as prayed for? OPA*
- 3. Whether this application is not maintainable as alleged? OPR*
- 4. Relief.”*

The Labour Court proceeded to consider issues No.1 to 3 on the ground that they are inter-related and inter-connected. Whereas in the award, nowhere issue No.3 has been considered so as to entertain application under Section 33-A of the Industrial Disputes Act, 1947 (for short “ID Act”). Hence, the matter is required to be remanded to the Labour Court for fresh consideration.

Accordingly, award passed by the Labour Court dated 22.5.2013 (Annexure P-5) is set aside and application under Section 33-A of the ID Act submitted by the respondent-workman before the Labour Court is remanded. The Labour Court is directed to decide the application afresh while considering issue No.3 within a period of three months from the date of receipt of a copy of this order. If the Registry has received LCR, the same shall be returned to the Labour Court at the earliest.

Petition stands allowed.

21.11.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**