

CWP No.7929 of 2013

[1]

In the High Court of Punjab and Haryana at Chandigarh

CWP No.7929 of 2013

Date of Decision:15.03.2016

M/s Harvel Irrigations Private Limited

...Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court-1,
Gurgaon and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajiv Sharma, Advocate,
for the petitioner.

Mr. Sachin Mittal, Advocate,
for respondent No.2.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing the award dated 20.07.2009.

Learned counsel for the petitioner has submitted that the address of the petitioner before respondent No.1 was mentioned as 42 Kilometre, National Highway No.8, village Kherkidaula, Gurgaon, whereas the correct address of the petitioner was 40 Milestone, National Highway No.8, Village Kherki Daula, Gurgaon. Petitioner had not received any notice, of the proceedings, issued by the Labour Court and as

CWP No.7929 of 2013

[2]

a result of this ex parte award was passed against the petitioner.

Learned counsel for respondent No.2, on the other hand, has opposed the petition.

In the present case, admittedly, in the proceedings before the Labour Court, the address of the petitioner-management was given as 42 Kilometre, National Highway No.8, village Kherki Daula, Gurgaon. Annexure P-6 is the registration certificate issued under Section 11 of Haryana Value Added Tax Act, 2003, wherein the address of the petitioner-management has been given as 40 Mile stone, Village Kherki Daula National Highway-8, Delhi Jaipur Highway, Gurgaon. Thus, it is evident that the address of the management had not been correctly given during the proceedings before the Labour Court which resulted in passing of ex parte award against the petitioner. In case, the ex parte award passed against the petitioner-management is set aside, the lis between the parties will be disposed of on merits. The petitioner-management on coming to know about the passing of the ex parte award moved an application before the Labour Court for setting aside the ex parte award dated 20.07.2009. However, the said application was dismissed vide order dated 20.11.2012 as the same had been filed after expiry of 30 days from the date of publication of the award.

CWP No.7929 of 2013

[3]

The case of the petitioner-management was that they came to know about the passing of the award from the Labour Inspector when he visited their premises on 26.04.2012.

Keeping in view the above facts, it would be just and expedient to set aside the ex parte award passed by the Labour Court so that petitioner-management gets an opportunity to put up its case before the Labour Court.

Accordingly, this petition is allowed. Impugned award dated 20.07.2009 is set aside. Respondent No.1 is directed to proceed and decide the reference afresh in accordance with law. Parties are directed to appear before respondent No.1 on 25.04.2016.

March 15, 2016
kapil

(SABINA)
JUDGE