

**LPA No. 295 of 2016 (O&M)**

Date of decision : March 15, 2016

The District Co-operative Union Amritsar

.....Appellant

Versus

Presiding Officer Industrial Tribunal Amritsar and another

....Respondents

**CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER  
HON'BLE MRS. JUSTICE LISA GILL**Present: Mr. Vishal Sharma, Advocate  
for the appellant.

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**Mahesh Grover, J.**

This appeal is directed against the judgement of the learned Single Judge dated 18.01.2016 vide which the exparte award in favour of the workman was upheld.

The Court recorded the finding on the basis of award wherein it was noticed that before the Industrial Tribunal the appellant had been appearing on as many as 33 occasions but when the case was fixed for filing of the replication on 29.11.2011 they defaulted in appearance and the matter was adjourned for exparte evidence of the workman to 20.12.2011, on which date the evidence was led and closed by an order of the same date. The matter was then adjourned to 05.01.2012, on which date no one appeared on

behalf of the appellant and the exparte award was passed. Thereafter, an application for setting aside the exparte award was moved, which was declined on 29.11.2011, leading to the filing of the writ petition where the impugned judgement has been rendered.

No explanation was given before the learned Single Judge explaining the default particularly when for as many as 33 occasions the appellant had been appearing, which would imply absolute knowledge of the proceedings. No explanation has also been given as to why order dated 20.12.2011 vide which exparte proceedings were ordered, was not challenged by the appellant in appropriate proceedings. Evidently, the appellant is casual in approach and without offering any justification for the lapse before the Tribunal as also this Court the clock cannot be turned back to condone a lapse which is self inflicted.

We do not find any legal infirmity in the judgement of the learned Single Judge, who has upheld the exparte award as there was no justification before it explaining the default in appearance. Even before this Court, no attempt has been made to justify the same.

Dismissed.

**(Mahesh Grover)**  
**Judge**

**(Lisa Gill)**  
**Judge**

March 15, 2016