

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.691 of 2016 (O&M)

Date of Decision: May 02, 2016

Labh Singh

.....Appellant

versus

The Presiding Officer, Industrial Tribunal, Patiala & others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.Gurinderjit Singh, Advocate, for the appellant.

Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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1· Whether Reporters of Local papers may be allowed to see the judgment?

2· To be referred to the Reporters or not?

3· Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.2 to 4 only at
this stage.

On our asking, Mr.Rajesh Bhardwaj, learned
Additional Advocate General, Punjab, accepts notice on their
behalf.

Let a complete set of paper book be handed-over
to him during the course of day.

[2] This letters patent appeal is directed against the
order dated 22.01.2016 whereby learned Single Judge has
declined to interfere with the order dated 21.12.2015 vide
which the Labour Court-cum-Industrial Tribunal at Patiala,
allowed the application moved by respondent Nos.2 to 4 to
recall the ex-parte Award dated 01.04.2014.

[3] The facts may be noticed briefly.

[4] The appellant was engaged as Data Entry Operator in the office of Deputy Commissioner, Ropar in the year 1991 apparently for uploading the entries of land records. His services were dispensed with on 30.06.1995. He appears to have raised an 'industrial dispute' after a considerable delay. The dispute was finally referred to the Labour Court-cum-Industrial Tribunal, Patiala, for adjudication. An ex-parte Award was passed but it was set-aside on 19.07.2011 pursuant to an application application moved by respondent Nos.2 to 4. It further appears that respondent Nos.2 to 4 were again proceeded ex-parte on 23.10.2012 and second time ex-parte Award was passed on 01.04.2014. The said Award has also been recalled by the Labour Court-cum-Industrial Tribunal vide its order dated 21.12.2015 subject to payment of Rs.3000/-as costs to the appellant. Aggrieved by that order, the appellant approached this Court but the learned Single Judge has declined to interfere with the same.

[5] Having heard learned counsel for the parties and after going through the record we do not find any valid ground to interfere with the order passed by the Labour Court-cum-Industrial Tribunal recalling recalling the ex-parte Award dated 01.04.2014 for the reason that an employee from the office of Deputy Commissioner, Ropar had been regularly appearing but she could not get her presence recorded due to lack of procedural knowledge. There was thus no justification to pass the ex-parte Award. Nevertheless we are satisfied that the appellant ought to have been suitably compensated with the costs.

[6] We thus allow this appeal in part and modify the order dated 22.01.2016 passed by the learned Single Judge as well as of the Labour Court-cum-Industrial Tribunal dated 21.12.2015 and direct respondent Nos.2 to 4 to pay the cost of Rs.20,000/- to the appellant within one month from the date of receipt of copy of this order. The Labour Court-Cum-Industrial Tribunal is directed to accord only limited opportunities, i.e., not more than two or three, to respondent Nos.2 to 4 to lead their evidence.

[7] The instant case demonstrates the sheer negligence of Government officials in conducting Court cases, hence we direct the Deputy Commissioner, Ropar to ensure that respondent Nos.2 to 4 are duly represented by a competent official/management's representative and full assistance is provided to the Labour Court-cum-Industrial Tribunal.

[8] Ordered accordingly.

[9] Let a copy of this order be given dasti to Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, for information and necessary compliance.

[SURYA KANT]
JUDGE

May 02, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE

CM No.1437of 2016 in
LPA No.691 of 2016

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Labh Singh versus The Presiding Officer, Industrial Tribunal,
Patiala and others.

Present : Mr.Gurinderjit Singh, Advocate,
for the appellant.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and 65 days'
delay in filing the appeal is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

May 02, 2016
mohinder

(A.B.CHAUDHARI)
JUDGE