

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

C.R. No.2085 of 2017

Date of Decision:- 25.05.2017

Sumant Kumar Nag

....Petitioner

vs.

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

....Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Ms. Abha Rathore, Advocate,
for the petitioner.

Mr. Harsh Aggarwal, Advocate and
Mr. Rohit Kaushik, Advocate,
for respondent No.2.

DAYA CHAUDHARY, J. (Oral)

Petitioner has approached this Court by way of filing revision petition under Article 227 of the Constitution of India for issuance of direction to respondent No.1 i.e. Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon to decide the reference of the petitioner which is pending for the last 15 years.

In pursuance of notice of motion issued on 23.3.2017, Mr. Harsh Aggarwal, Advocate, has put in appearance for the Management and submits that delay is not on the part of the Management but it is on the part of the petitioner himself.

Learned counsel for the petitioner has also brought to the notice of this Court order dated 7.7.2015 passed in CWP No. 24173 of 2012 whereby Labour Court was directed to decide the reference as expeditiously as possible, preferably within a period of four months from the date of receipt of a certified copy of the order but in spite of passing of approximately two years, there is no progress.

Heard arguments of learned counsel for the parties and have also perused the documents available on the file including order dated 7.7.2015 passed in CWP No. 24173 of 2012 as well as zimni orders which are on record.

On perusal of zimni orders, it cannot be said that delay is on the part of the petitioner. Earlier also, the direction was issued to the learned Labour Court to decide the reference within a period of four months from the date of receipt of certified copy of order dated 7.7.2015, but it has not been decided.

Admittedly, the matter is pending for the last more than 15 years. Issues have already been framed and it is not proper to comment as to who caused the delay but delay has occurred and witnesses of respondent No.2 have not been served. The Court is having ample power to get the service effected but no efforts have been made to serve the witnesses of respondent No.2. Even no progress is there in spite of directions issued by this Court earlier on 7.7.2015.

Accordingly, it would be in the interest of justice and by keeping the principles of speedy justice and fair trial, the Labour Court is directed to make all efforts to expedite the matter by adopting all measures for effecting service upon the witnesses of respondent No.2 preferably within a period of six months.

Disposed of.

May 25, 2017
poonam

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No