

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

Date of decision: 13.02.2017

CWP No.14441 of 1996

Punjab State Electricity Board & others

...Petitioners

Vs.

Presiding Officer, Labour Court, Ludhiana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Maninder Kaur, Advocate,
for the petitioners.

None for respondent No.2.

RAJIV NARAIN RAINA, J. (ORAL)

This case was admitted on November 3, 1997 for regular hearing, when no one appeared for second respondent in spite of service effected through summons. The interim order granted earlier was ordered to continue. Two decades have passed by, but no one has put in appearance for the respondent-workman with proof on record. The Court assumes that the workman either lost interest in the litigation or has settled himself elsewhere in some other gainful employment. The Labour Court granted reinstatement with continuity of service, but without back-wages. The Punjab State Electricity Board has petitioned against the Award. It is their case that the workman left the job on April 11, 1989 never to turn up. The Labour Court allowed the reference without recording the evidence of the workman. In these circumstances, an adverse inference is drawn against the respondent worker that he abandoned service of his free will with no intention to return

and thus it is not a case of violation of Section 25-F of the Industrial Disputes Act, 1947.

I would accordingly accept the petition and set aside the impugned award passed by the Presiding Officer, Labour Court, Ludhiana in Reference No.1317/90 on May 15, 1996, however, with liberty to the respondent to apply for revival of the case and for a decision on merits in case he has anything substantial to canvass.

13.02.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>