

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

CWP No.16305 of 1996

Date of Decision:23.08.2017

M/s Ashish Industries

... Petitioner

Vs.

The Presiding Officer and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. R.S. Chauhan, Advocate for the petitioner.

Mr. Dinesh Kumar, Advocate for respondent No.3.

P.B. BAJANTHRI J. (Oral)

Petitioner has challenged the validity of award dated 18.01.1996 (Annexure P-6).

Learned counsel for the petitioner submitted that petitioner was represented by the representative before the Labour Court. Before the Labour Court, representative of the petitioner submitted that he has no instruction to submit on behalf of the petitioner. Consequently, Labour Court proceeded to pass award on 18.1.1996. Thus, the petitioner has not been heard before passing the award dated 18.1.1996. It was submitted that in such circumstances Labour Court should have issued a notice to the petitioner.

Having regard to the above factual aspect, no statutory provision is provided if representative of a party submits before the Labour Court stating that he do not have instructions to make submission on behalf of the party, in that event, Labour Court should have issued a notice to the party.

In the absence of statutory provision, petitioner's contention is

hereby rejected. Consequently, award passed by the Labour Court dated 18.1.1996 is upheld.

Accordingly, petition stands dismissed.

23.08.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No