

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.774 of 1994(O&M)

Date of Decision: 06.02.2017

Punjab State Electricity Board & others

...Petitioners

Vs.

The Presiding Officer & another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

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

RAJIV NARAIN RAINA, J. (Oral)

Neither the respondent nor his counsel appears despite substituted service through publication by court order. Therefore, the petition is in forced into a *cul de sac* with hardly any option left to court to secure presence. This petition filed by the Board is directed against the award of reinstatement passed by the Presiding Officer, Labour Court, Ludhiana on 29.07.1992 denying back wages but granted continuity of service to the workman respondent. The award was ad interim stayed and the case was admitted on 20.01.1994. The respondent has not challenged denial of back wages in a separate proceeding and the award to that extent has attained finality.

The services of the respondent-workman were terminated on 10.03.1987, which led to the litigation before the labour court. After passage of 30 years and coupled with the fact that the respondent has not taken any steps to contest this petition it will be safe to assume that either he is gainfully employed elsewhere or has lost interest in this petition. All

efforts to locate the correct address of the respondent have failed. The Labour Court has recorded violation of the provisions of Section 25-G and Section 25-H of Industrial Disputes Act, 1947 since the 'last come first go' rules were not complied with nor was an offer was made by the management to re-employ the workman. Nevertheless, the mandatory provisions of Section 25-F were complied with by payment of retrenchment compensation and wages in lieu of the notice period as found on fact by the Labour Court itself.

In these circumstances, while allowing this petition and setting aside the award, liberty is granted to respondent No.2 to revive this petition, in case, he has something substantial to say.

A copy of this order be sent by the petitioner-Corporation to the Village Chowkidar/Patwari of revenue estate of the native village of the workman available in the record of the Board, if any existing and proof of compliance be placed on the record of this case within six months. The effort is to bring this order to the knowledge of the respondent in the interest of justice.

(RAJIV NARAIN RAINA)
JUDGE

06.02.2017
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Whether speaking/reasoned

Yes

Whether reportable

No