

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

CWP No.8834 of 1995

Date of Decision:19.09.2017

Raj Pal

... Petitioner

Vs.

Presiding Officer, Labour Court Tribunal, Panipat and others... Respondents

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

Present : Mr. Sailender Singh, Advocate for the petitioner.

Mr. P.K. Mutneja, Advocate for respondent No.2.

Mr. Rahul Jain, Advocate for respondent No.3.

P.B. BAJANTHRI J. (Oral)

In the instant writ petition, petitioner has sought for quashing of order dated 1.5.1995 (Annexure P-7) and further sought for a direction to comply order dated 18.4.1994 (Annexure P-2).

Petitioner had worked with the respondents from September 1989 to September 1992. Petitioner has not been paid in terms of the appointment. Consequently, arrears of the petitioner was due for which he filed an application under Section 33-C(2) of the Industrial Disputes Act, 1947 (for short "the Act"). Petitioner's services were terminated in the month of October 1992. Application filed under Section 33-C(2) of the Act was decided as ex parte on 18.4.1994. On 31.10.1994, second respondent moved an application for setting aside the ex parte order dated 18.4.1994. During pendency of the application, petitioner filed his objection opposing the maintainability of application filed by second respondent. Behind the back of the petitioner, representative of the petitioner one Shri M.L. Chandna-respondent No.3 made a statement before the Court stating that there was a settlement between the petitioner and second respondent.

The same was recorded by the Labour Court and second respondent withdrew the application dated 31.10.1994. Hence, the present petition challenging the order dated 1.5.1995.

Statement by the representative of the petitioner Shri M.L. Chandna-respondent No.3 is in the absence of affidavit of the petitioner so also copy of the settlement between petitioner and second respondent has not been placed before the Labour Court to the extent that there is a settlement between the petitioner and second respondent. Perusal of the record reveals that there was some collusion between the representative of the petitioner and the second respondent.

In view of these facts and circumstances, order dated 1.5.1995 (Annexure P-7) is set aside. Consequently, second respondent is hereby directed to comply order dated 18.4.1994 within a period of three months from today along with interest @ 6% per annum.

Disposed of accordingly.

19.09.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**