

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

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**CWP-11481-2013 (O&M)
Date of decision:13.10.2017**

Tikka Ram

....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Gurgaon

.... Respondents

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

Present: Mr. Ashwani Bakshi, Advocate for the petitioner.

Mr. Gagandeep Wasu, Addl. A.G. Haryana.

P.B. BAJANTHRI, J. (ORAL)

In the present writ petition, petitioner has challenged ex parte award dated 04.06.2008 (Annexure P-5).

Learned counsel for the petitioner submitted that petitioner has joined services on 01.01.1991 and his services were terminated on 01.06.1998. Before the labour court he has made an application for summoning the witnesses and so also records relating to muster roll/TMRs. However, the Labour court failed to appreciate the application and contentions in not summoning the witnesses so also records. Further management has been held ex-parte. The Labour court proceeded to pass award stating that petitioner has not completed 240 days.

In view of these facts and circumstances and the fact that labour court award is ex-parte it is appropriate to set aside the award dated 04.06.2008 and remand the matter to the Labour Court. Accordingly, award

dated 04.06.2008 (Annexure P5) is set aside. Matter is remanded to the labour court to decide the reference afresh. Parties are directed to appear before the Labour court on 21.12.2017. Respondents are hereby directed to apprise the labour court by producing relevant records like muster roll/TMRs and the records relating to closure of project in the month of May, 1998 etc. Parties are at liberty to adduce fresh evidence if any before the labour court.

With the above observation CWP stands disposed of.

(P.B.BAJANTHRI)
JUDGE

13.10.2017

pooja saini

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No