

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-20947-2012 (O&M)

Date of Decision:-25.09.2017.

Dharam Raj

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and others

.....Respondents

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

Present: Mr. Kanhiya Lal Advocate for the petitioner.

Mr. Jasmeet Singh Bedi, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 18.3.2011 (Annexure P-2).

Petitioner is stated to have been appointed as a Mali in the month of January, 1999 under Arawali Project, Charkhi Dadri under the supervision of Forest Guard, namely, Sh. Hukam Singh and Jagde. The project seems to have been closed in the year 2001. Consequently, services of the petitioner are stated to have been terminated. Thus, the petitioner has raised an industrial dispute. Labour Court proceeded to decide the Reference. The respondents remained *ex parte*. The Labour Court awarded a compensation to the tune of ₹ 13,000/-. Thus, the petitioner is aggrieved by the award dated 18.3.2011. Hence, the present petition.

Learned counsel for the petitioner before the Labour Court, had made an application for summoning the record and one Sh. Rajinder Duhan, Range Forest Officer as WW-2 did not bring the summoned record. Thus, in the absence of record, the Labour proceeded to pass impugned award.

Per contra learned counsel for the respondents submitted that as per the communication from Range Forest Officer, Charkhi Dadri to the Divisional Forest Officer, Bhiwani with reference to details of attendance of the petitioner, it was found that no muster rolls have been issued from the year 1999 to 2001 to any of the labourer. Except this communication, nothing has been placed on record. In order to give one opportunity to the respondents-Department, since they have remained *ex parte*, award of the Labour Court dated 18.3.2011 is set aside and the matter is remanded to the Labour Court for deciding the Reference afresh. Parties are at liberty to adduce additional evidence, if any before the Labour Court. The Labour Court is hereby requested to decide the Reference within a period of six months from today. Parties are hereby directed to appear before the Labour Court on 8.11.2017. The respondents are hereby directed to pay litigation cost to the petitioner to the extent of a sum of ₹ 30,000/- within a period of two months from today.

Petition stands disposed of.

At this stage, learned counsel for the respondents submitted that compensation awarded by the Labour to the extent of ₹ 13,000/- has been paid to the petitioner. If it is so, the cost of the Litigation should be ₹ 30,000 - ₹ 13,000 = ₹ 17,000/-. Petitioner be paid a sum of ₹ 17,000/- within a period of two months from today.

(P.B. BAJANTHRI)
JUDGE

September 25, 2017.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.