

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.24880 of 2012
Date of decision: 26.05.2017

M/s R.B.Industries, Faridabad

... Petitioner

vs.

The Presiding Officer, Industrial Tribunal
-cum-Labour Court III, Faridabad & anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ivan Singh Khosa, Advocate for
Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Anil Shukla, Advocate
for respondent No.2.

RAJIV NARAIN RAINA, J.(ORAL)

1. Mr. Ivan Singh Khosa, associate counsel of Mr. Shiv Kumar, Advocate for the petitioner states at the Bar that their office had made every effort to contact the petitioner to attend the to the case but with no success. He has produced the original letter written by them on May 12, 2017 through registered acknowledgment due post. Be that it may, the communication has brought no fruit by way of appearance of the petitioner. Mr. Shiv Kumar, Advocate who has signed the letter, has written to his client that in case costs of ₹ 5,000/- is not paid and clear cut instructions are not given in the matter then they will not be responsible for any order passed by the Court. Original letter along with registered A.D. is taken on record as Mark 'A'.

2. It appears that the petitioner has abandoned the case. When the matter came up for hearing on July 27, 2016, Mr. Shukla had expressed the

desire of his client that he is not inclined to join the petitioner-industry and restrict his claim to compensation for the service rendered during the period from October 01, 2004 to February 25, 2007. The coordinate Bench applied the relief given in **Bharat Sanchar Nigam Limited vs. Man Singh, (2012) 1 SCC 558** and directed the petitioner to consider payment of compensation of ₹ 1,50,000/- to the workman. Mr. Shiv Kumar had sought time to obtain instructions from his client and thereafter, the present status has emerged on refusal by the petitioner to contact the counsel. Petitioner appears to be avoiding the case or is trying to delay the proceedings.

3. In such a situation, Mr. Shiv Kumar and Mr. Ivan Singh Khosa are discharged from appearance in the petition.

4. I have heard Mr. Shukla and read the various interim orders passed by this Court some of which run into sufficient length. The great time has been consumed by the petitioner in initiating this litigation and disappearing when ₹ 5,000/- cost was imposed and the order dated July 27, 2016 (supra) has been passed.

5. In the circumstances, this petition is dismissed with costs of ₹ 1 lakh to be paid to the workman. Besides costs, the workman is held entitled to an amount of ₹ 1.5 lakhs in terms of the interim order expressed by the coordinate Bench in the order dated July 27, 2016 as compensation in lieu of reinstatement. The award of the Labour Court is modified and reinstatement is denied. However, compensation and costs totalling a sum of ₹ 2.5 lakhs is held liable to be paid to the respondent workman by the petitioner. The respondent is free to execute the award under Section 11(9) of the Industrial Disputes Act, 1947. He would also have right to complain

to the Labour Department, Government of Haryana to take proceedings

under Section 29 of the Act against the management and the department is at liberty to take such steps as in accordance with law for enforcement of this order a copy of which be sent by the office to the petitioner.

(RAJIV NARAIN RAINA)
JUDGE

26.05.2017
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1. Whether speaking/non-speaking?	Yes
2. Whether reportable?	No