

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

CWP No.25491 of 2015 (O&M)

Date of Decision:24.08.2017

Ashok Kumar

... Petitioner

Vs.

Presiding Officer and another

... Respondents

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

Present : Mr. Puneet Bassi, Advocate for the petitioner.

Ms. Sukhmani Tiwana, Advocate and
Mr. Vikas Singh, Advocate for respondent No.2.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the validity of the award passed by the Labour Court dated 7.2.2013 and order passed in miscellaneous application No.38 of 2013 decided on 2.9.2015 (Annexure P-7 and P-9).

Respondent-workman was working with the petitioner as a Driver. His services were dispensed on 1.10.2008. Consequently, respondent-workman raised an industrial dispute. Labour Court proceeded to pass an ex parte award on 7.2.2013. Petitioner submitted an miscellaneous application No.38 of 2013 for recalling order dated 7.2.2013 and it was also decided against the petitioner. Hence, the present petition.

Learned counsel for the petitioner submitted that since Labour Court has not heard the petitioner. Therefore, matter requires to be remanded to the Labour Court.

Learned counsel for respondent-workman opposed to remand of the matter and insisted for upholding the Labour Court award. Since petitioner has not availed the opportunity to appear before the Labour Court.

Undisputedly petitioner has not been heard in the matter, therefore, it is necessary to remand the matter for deciding the reference afresh. Accordingly, Labour Court award dated 7.2.2013 and order passed in the miscellaneous application No.38 of 2013 dated 2.9.2015 are set aside. Matter is remanded to the Labour Court. Labour Court is requested to pass afresh order within a period of four months from the date of receipt of the copy of this order. Both the petitioner and respondent-workman are directed to co-operate in deciding the reference afresh. Petitioner is hereby directed to pay a sum of Rs.20,000/- as cost of the litigation to the respondent-workman within a period of three months from today.

Petition stands allowed accordingly.

24.08.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**