

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

Date of decision: 25.04.2017

CWP No.9911 of 2013

Krishan Kumar Tripathi

...Petitioner

Vs.

The Presiding Officer, Labour Court-I, Faridabad & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None.

RAJIV NARAIN RAINA, J. (ORAL)

Notice of motion, in this case, was issued on 08.05.2013. Despite many adjournments, the petitioner is unable to provide correct address of respondent No.2 and therefore, service could not be effected till date. For the last two dates, no one has put in appearance on behalf of the petitioner. Since no steps have been taken to furnish correct address, the petition is liable to be dismissed for non-prosecution.

Nevertheless, on merits I find that the award is ex parte against respondent No.2 – management and still the workman could not prove his case on his ex parte evidence. The Presiding Officer, Labour Court-I, Faridabad in the award dated 13.08.2012 has recorded that the claimant-workman set up self-contradictory averments to fuddle his case. On the one hand, he pleaded that he was not allowed to enter the factory premises w.e.f. 16.05.2009 and was told off that his services were terminated, while on the other, he pleaded that he was pressurized to submit his resignation. The workman deposed that the management had sent a letter to him at his home

address informing him that he was absent from duty since 16.05.2009 and on receiving the same, he went to the factory, where his resignation was demanded by coercion. As per his claim, he was asked to submit resignation earlier and thereafter he visited the company on 17.06.2009 and the Labour Court found that the letter sent by the management was not produced in evidence. The workman did not even make any effort to apply to the Labour Court for summoning of the record from the company even though it was ex parte, to make matter worse for the workman. There were two companies i.e. M/s A.K.Enterprises and M/s Sai Security Press in the picture and the respondent in the reference from the Government was M/s Sai Packaging Company Private Limited. In this ambiguity and in the absence of any cogent evidence, the reference was rejected. The Labour Court drew adverse inference for non-production of the letter holding rightly that had it been produced, it might contain something damaging to his case.

In view of the above factual and legal position, I find no merit in this petition and would dismiss the same not only for non-prosecution, but on merits as well, for which this Court requires no assistance from counsel on the facts established on file and not disputed, which the law ill affords.

25.04.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>