

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-3221-2017 (O&M)

Date of Decision:-24.10.2017.

M/s Hindustan Unilever Ltd.

.....Petitioner

Versus

Presiding Officer, Labour Court-II, Faridabad and another

.....Respondents

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

Present: Mr. Gurdip Singh, Advocate for the petitioner.

Mr. Dinesh Pal Singh – respondent No.2 in person.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioners have challenged the validity of the order dated 16.1.2017 passed by Labour Court-II, Faridabad (Annexure P-6). Earlier, petitioners have approached this Court questioning the validity of the award dated 30.8.2016. This Court was pleased to pass the following order:-

“Therefore, the award dated 16.05.2013 is set aside. Matter is remanded to the Labour Court along with the Lower Court Record. It is requested that the Labour Court to decide the reference afresh within a period of 6 months. The parties are directed to appear before the Labour Court on 23.09.2016.

At this stage, learned counsel for the petitioner submitted that on 19.05.2014, this Court has directed the petitioner to deposit 50% back wages before the Labour Court.

In view of the disposal of this writ petition, 50% back wages deposited by the petitioner be released

to the petitioner within a period of 3 months.

CWP stands disposed of.”

When the matter was taken up by the Labour Court with reference to the order dated 30.8.2016 of this Court, petitioners were stated to have submitted two applications. The same were heard by the Labour Court and rejected on 16.1.2017. Hence, the present petition in challenging the order dated 16.01.2017 (Annexure P-6).

Learned counsel for the petitioner submitted that after disposal of CWP-23554-2013 on 30.8.2016, certain developments have taken place to the extent that some of the petitioners' units were closed. Those are required to be taken into consideration for the purpose of deciding Reference No.1 of 2010. Since this Court while deciding CWP-23554-2013 directed the Labour Court to decide the Reference afresh within a period of six months, consequently, what was the material as on the date of passing award on 16.5.2013, is required to be taken into consideration. Accordingly, Labour Court rejected the petitioners application vide order dated 16.01.2017 (Annexure P-6). Hence, no interference is called for in respect of order dated 16.01.2017 (Annexure P-6). Labour Court is requested to decide the reference at the earliest, since petitioner's number of units are already closed.

Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

October 24, 2017.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.