

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

CWP No.7083 of 2017
Date of Decision: 18.4.2017

M/s Superior Industries Ltd.

... Petitioner

Versus

Mahabir Singh and another

...Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.S.K.Garg Narwana, Sr, Advocate with
Mr.Vishal Garg Narwana, Advocate for the petitioner

RAJIV NARAIN RAINA, J. (Oral)

Having heard Mr. Narwana, learned Sr. Counsel appearing for the petitioner at sufficient length on the order dated 6th October, 2016 (Annex. P-6) passed by the Labour Court recalling the award dated 30th March, 2016, all that can be said at this stage is that the observations made by the Labour Court that Sh.Dushyant Sharma, an official of the Management, has committed fraud and cheated the claimant by getting his case withdrawn on 30th March, 2016, will not be read as conclusive and will remain subject to trial in the re-opened proceedings before the Labour Court. It is a cardinal principle of our system of jurisprudence that cases should be decided on merits so that the disputes are brought to an end as soon as possible. Technicalities of the law are of no assistance in venturing to do substantial justice.

Needless to say that Reference No.03/2016 registered before the Presiding Officer, Labour Court-I, Faridabad on 18th January, 2016 shall be decided in accordance with law and the observations regarding fraud will not be read as a finding so that neither of the parties is prejudiced when the trial takes place. The fate of the reference will depend on the evidence

adduced by the parties and the Labour Court at the final hearing will remain uninfluenced by anything said in the recall order.

With these observations, this petition is disposed of.

18.4.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No