

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

LPA No.1937 of 2016 (O&M)

Date of Decision : 20.04.2017

Sube Singh

....Appellant

Versus

M/s Harvel Irrigations Private Limited
and another

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

Present: Mr. Aditya Yadav, Advocate
for the appellant.

Mr. Sanjiv Sharma, Advocate
for the caveator-respondent.

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MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single judge dated 15.03.2016 vide which the ex-parte award rendered by the Labour Court was set aside on the ground that the management had not been properly served in view of the wrong address upon which notice was repeatedly sent. Inspite of the correct address as 40 Mile stone, Village Kherki Daula National Highway-8 Delhi Jaipur Highway, Gurgaon, the summons were repeatedly sent to 42 Mile stone village Kherki Daula National Highway-8 Delhi Jaipur Highway, Gurgaon. Evidently, there was a flaw in the address furnished by the appellant in the proceedings before the Labour Court which gave rise to the inescapable conclusion of there being violation of principles of natural justice as the respondent would be condemned unheard in view of the defective service. The Labour Court was

clearly wrong in presuming service and therefore the learned Single Judge has correctly intervened to remand the matter back for decision. We do not find any infirmity in the findings recorded by the learned Single Judge and, therefore, decline interference.

However, marginal delay of 41 days in filing and 85 days in re-filing the appeal is condoned for the reasons mentioned in the applications.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

20.04.2017
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No