

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

LPA No.1983 of 2017 (O&M)

Date of Decision : 08.11.2017

State of Punjab and others

....Appellants

Versus

Bhola Nath Maurya and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present : Mr.P.P.S.Thethi, Addl.AG, Punjab.

MAHESH GROVER, J. (Oral)

Learned counsel for the appellants contends that the dispute raised by the workmen has since been referred to the appropriate authority vide orders dated 29.06.2017. It is further sated that the Asstt. Labour Commissioner, who passed the order Annexure P-5 was acting bona fidely with reference to the Punjab Industrial Disputes Rules, 1958. He further contends that even if it is assumed that there was an erroneous interpretation placed by the said officer, there would be no occasion to burden the State with costs of Rs.5 lacs as has been done by the learned Single Judge. It is next contended that in any eventuality the dispute now stands referred to and the order of writ court having been complied with , a lenient view ought to be taken qua imposition of costs.

We have heard the learned counsel for the appellants and have perused the judgment and also the record. The law with regard to forwarding of reference claimed by workmen in the event of an industrial dispute is well settled and it is expected that the officers of

the State such as the Asstt. Labour Commissioner should be conversant with the pronouncements of the courts and the relevant provisions of law. Therefore, the order of the kind passed by the Asstt. Labour Commissioner was rightly commented upon by the learned Single Judge adversely being in complete violation of the settled tenets of law and since certain amount of reasoning is manifest in the order impugned before the writ court, we cannot outrightly consider it to be a case where such exemplary costs ought to be imposed on the State.

Consequently, we deem it appropriate to waive off the costs of Rs.5 lacs.

However, delay of 98 days in filing the appeal which has been ascribed to procedures is condoned.

Appeal stands disposed of.

(MAHESH GROVER)
JUDGE

08.11.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

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