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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 833/2014 & CM No.1668/2014

M/S SAGAR ENTERPRISES

..... Petitioner

Through: Mr.Sanjay Dewan with Ms.Palak
Rohmetra, Advocates

versus

SHIV LAL

..... Respondent

Through: Ms.Rajat Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **18.01.2017**

1. The petitioner has challenged the *ex parte* award of the Labour Court whereby the respondent has been directed to be reinstated with full back wages. Learned counsel for the petitioner submits that petitioner was not served before the Labour Court and therefore, could not appear before the Labour Court and contest the claim of the respondent.
2. Learned counsel for the respondent submits that the remand of the matter back to the Labour Court would delay the matter and cause serious prejudice to the respondent. It is submitted that the time bound direction be given to the Labour Court and the respondent be compensated by the reasonable cost.
3. In the facts and circumstances of this case, the writ petition is allowed, the *ex parte* award dated 10th January, 2013 is set aside and the matter is remanded back to the Labour Court for fresh adjudication after permitting the petitioner to file the written statement and an opportunity of leading evidence to both the parties. The petitioner shall pay a cost of

Rs.35,000/- to the respondent on account of delay as well as cost of litigation of the matter being remanded back to the Labour Court. The cost be paid before the Labour Court.

4. The parties shall appear before the Labour Court on 20th February, 2017. The record of the Labour Court be sent back.
5. Copy of this order be given *dasti* to the counsels for the parties.
6. Pending application is also disposed of.

J.R. MIDHA, J.

JANUARY 18, 2017

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