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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 24th January, 2017

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W.P.(C) 5443/2007 & CM 4499/2013

CONSORTIUM OF TENANTS

THR. ITS SECRETARY

..... Petitioner

Through: Mr.Gulshan Chawla,Mr.Manish
Verma, Advs.

versus

VINOD KUMAR

..... Respondent

Through: Ms. Latika Chaudhary, Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The petitioner has challenged the award dated 9th January, 2007 whereby the Industrial Tribunal has directed the petitioner to reinstate the respondent within two months.
2. Learned counsel for the petitioner urged at the time of the hearing that the petitioner did not receive any notice from the Industrial Tribunal and therefore, could not contest the claim petition.
3. Learned counsel for the respondent submits that the petitioner was proceeded *ex parte* by the Tribunal vide order dated 23rd June, 2005.
4. Learned counsel for the petitioner submits that the order proceeding *ex parte* was passed without considering that no notice was served on the petitioner.
5. The original record of the Industrial Tribunal has been perused and there is no service of notice on the petitioner.

6. Learned counsel for the parties submit that the matter be remanded back to the Industrial Tribunal with directions to expeditiously adjudicate the respondent's claim. Learned counsel for the respondent seeks litigation expenses to contest the matter before the Industrial Tribunal.

7. The writ petition is allowed; the impugned award dated 9th January, 2007 is set aside and the matter is remanded back to the Industrial Tribunal. The parties shall appear before the Industrial Tribunal on 15th March, 2017 when the petitioner shall file his written statement and the Industrial Tribunal shall fix the case for filing of the replication and original documents by both the parties. The learned Tribunal shall thereafter afford a reasonable opportunity to lead evidence to both the parties. Although Life Insurance Corporation of India had contested the case before the Claims Tribunal, fresh notice be issued to Life Insurance Corporation of India to enable them to remain present during the contest between the petitioner and the respondent. The pending application disposed of.

8. The petitioner shall pay litigation cost of Rs.15,000/- to the respondent before the Industrial Tribunal on 15th March, 2017.

9. The record of the Industrial Tribunal be sent back forthwith.

10. Copy of this judgment be given *dasti* to counsel for the parties.

JANUARY 24, 2017
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J.R. MIDHA, J.