

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

**CR No.5904 of 2018(O&M)  
Date of Decision: 06.09.2018**

**M/s SKH Metals Limited**

**.....Petitioner**

**Versus**

**Bikram Singh and another**

**.....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present:Mr. Vinod S. Bhardwaj, Advocate  
for the petitioner.

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**RAJ MOHAN SINGH, J.(Oral)**

[1]. Petitioner has assailed the order dated 04.04.2018 passed by Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon, vide which the application under Order 6 Rule 17 CPC for amendment of the written statement was declined.

[2]. The ground set up for seeking amendment in the written statement was the closure of the management unit. The said plea is sought to be incorporated in the written statement by alleging that unit was closed in September, 2016 after closing the manufacture process in the year 2012. The suit was filed in the year 2005. Written statement was filed on 16.11.2006. Issues were framed on 09.08.2007.

[3]. At the very inception, workman filed an application for

deciding the case without leading any evidence. Prayer was rejected on 10.12.2010. Thereafter, management sought framing of additional issue and the prayer was allowed on 06.06.2012. Thereafter, again an application was filed by the management for framing another additional issue before the trial Court. The prayer was rejected vide order dated 22.04.2013, against which civil revision was filed in the High Court and the same was also rejected. The evidence of the workman was closed on 30.10.2017, wherein the workman has not led any evidence. Thereafter, the present application came to be filed.

[4]. In order to test the *bona fide* of the petitioner in seeking amendment in the written statement, it is necessary to see *prima facie* whether management unit (which was having more than 50 workmen) was closed by issuing notice under Section 25 FFA of I.D Act or it was a case of shifting of unit as per stand of workman. *Prima facie* consideration of the case on the aforesaid plea would show that the management has not adverted to the aforesaid requirement of issuing notice of 60 days to the workman under Section 25 FFA of I.D Act, 1947.

[5]. It is a settled principle of law that all *bona fide* amendments are to be allowed in the interest of justice. The conduct of the management is lacking on said parameter. The management has already availed different provisions for

delaying the disposal of the claim of the workman. Numerous attempts made by the management to stall the proceedings would indicate that the proposed amendment is not *bona fide* in nature.

[6]. From the attending facts and circumstances of the case, it appears that proposed amendment is intended to delay the disposal of the reference before the Industrial Tribunal. No indulgence can be granted in this revision petition and the same is accordingly dismissed.

September 06, 2018  
*Prince*

**(RAJ MOHAN SINGH)**  
**JUDGE**

**Whether reasoned/speaking**  
**Whether reportable**

**Yes/No**  
**Yes/No**