

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

CWP No. 14137 of 2018

Date of decision : 30.05.2018

M/s Hind Security Services (Regd.)

...Petitioner

V/s

Presiding Officer, Industrial Tribunal, Amritsar & anr.

...Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kanwar Pahul Singh, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner has prayed for a writ in the nature of certiorari for setting-aside award dated 02.03.2017 passed by Industrial Tribunal, Amritsar whereby it granted ₹25,673/- alongwith interest to respondent no. 2 on account of arrears of salary and order dated 05.09.2016 whereby defence of petitioner was struck off for non-filing of written statement within the period prescribed. Learned counsel for the petitioner submits that tribunal has not appreciated the controversy in right perspective. He submits that delay in filing the written statement was caused due to reasons beyond the control of the petitioner. According to him, award passed by tribunal is illegal and contrary to facts of the case. Thus, impugned orders deserve to be set-aside.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears that respondent no. 2 filed an application under section 33-C (2) of the Act. The matter came up before the Tribunal and it

issued notice to the petitioner-Firm. Thereafter, case was adjourned time and again for filling of written statement. Petitioner, however, failed to submit the written statement. Resultantly, vide order dated 05.09.2016, defence of the petitioner-Firm was struck off. After striking off the defence, tribunal adjourned the case for 13.10.2016 for evidence of respondent no. 2. After considering the entire material on record, vide award dated March 02, 2017, the Tribunal partly allowed the application. It granted ₹25,673/- alongwith interest @ 6% to respondent no. 2 from the date of filing of application till payment. I find no infirmity with the orders passed. It appears that petitioner was granted sufficient opportunities to file written statement at the relevant stage. Perusal of the impugned order shows that tribunal granted five effective opportunities to petitioner to file written statement. The tribunal thereafter, proceeded to decide the issue on merits. It found that workman was entitled to ₹25,673/- in lieu of arrears of salary. There is nothing on record to show that there is any illegality with the orders passed. Provisions of Industrial Disputes Act have to be given a beneficial interpretation.

In view of above, writ petition is without any merit and is hereby dismissed.

May 30, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No