

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 15391 of 2018

Date of Decision: 12.07.2018

M/s Omax Auto Limited

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Ashwani Talwar, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Article 226 of the Constitution of India for quashing of order dated 25.05.2018 (Annexure P1), passed by the appropriate Government in violation of the provisions of Section 25-FFA of the Industrial Dispute Act, 1947.

Learned counsel for the petitioner, while challenging the order dated 25.05.2018 (Annexure P1), passed by appropriate Government, contended that petitioner-management is not aggrieved of making reference of the entire matter to the learned Industrial Tribunal-cum-Labour Court-II, Gurugram (hereinafter referred to as “the Tribunal”) for adjudication of the matter on the basis of material and evidence to be led before the Court, but it is certainly aggrieved of the following observations:-

“It is also pertinent to mention that the management has even failed to provide the copy of the closure

notice to the representatives of the workers union, upto the date 27.04.2018. Therefore, the action of the management for closure of the industrial unit without taking into confidence the workers union does not appear bonafide.”

Having considered the matter in its entirety and the fact that the matter has been referred to the learned Tribunal for adjudication, it is made clear that the learned Tribunal shall decide the matter on the basis of material and evidence to be led before the Court without being prejudice by the observations made in order dated 25.05.2018.

With the observations made above, present petition stands disposed of.

(Shekher Dhawan)
Judge

July 12, 2018
“DK”

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