

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.20349 of 2018

Date of Decision: 10.10.2018

Harjinder Singh

... Petitioner

Versus

Presiding Officer, Industrial
Tribunal, New Court Complex,
Ludhiana and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. The relief based statement of facts narrated by the workman in Reference No.194 of 2016 has remained unrebutted as the respondent-M/s Bittu Shehri Transport Company was proceeded against ex parte by order dated September 06, 2016 passed by the learned Industrial Tribunal, Ludhiana. The petitioner represents the respondent-Transport Company before this court. The management did not approach the Labour Court after the award was passed asking for review of the order. Nor have they challenged the basic order of the Tribunal dated September 06, 2016 proceeding ex parte against the management. In absence of challenge to the basic order dated September 06, 2016 which is adverse to the petitioner-management, or recall of it by showing sufficient cause for non-appearance, no meaningful argument can be built on the bulwark of the ex parte order and the award that has followed. For this reason perhaps, lack of merit, no one entered appearance on behalf of the petitioner management despite

second call on August 16, 2018 (as recorded in the interim order) when this matter came up for motion hearing before the Coordinate Bench. The case was, however, adjourned in the interest of justice to August 21, 2018 on which date also a request for adjournment was made by the filing counsel. No one has entered appearance today, nor a pass over is sought. No further accommodation is desirable.

2. Not only does this petition deserve to be dismissed in default of appearance and for non-prosecution but also on the merits the case.

3. I have no reason to interfere with the award passed ex parte. An ex parte award is as good as a contested award till it is not set aside by a superior court for good and sufficient reason.

4. I find no error in the reasoning recorded in the pithy judgment of the learned Industrial Tribunal, Ludhiana allowing the reference by accepting the version of the workman duly supported by his deposition of facts and statement made on oath in support of the case.

5. Accordingly, the petition stands dismissed.

10.10.2018

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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No