

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 23.10.2018****CWP No.22320 of 2018**

Ali Mohammad

...Petitioner

Vs.

Authority under the Payment of Wages Act, 1936, Kaithal & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. Saurabh Sharma, Advocate,
for the petitioner.**RAJIV NARAIN RAINA, J. (ORAL)**

Sufficient cause backed by unimpeachable evidence on record is not available on file to explain non-appearance of the petitioner or his counsel on the date of hearing when the Authority under the Payment of Wages Act proceeded ex parte against the respondent, who is the present petitioner. He has tried to explain by a ruse that his counsel before the Authority was suffering from serious ailments and ultimately had a massive cardiac arrest, but such explanation for a rather long period of absence, is not supported by affidavit of the counsel or by acceptable medical evidence even to prima facie be judged in favour of the petitioner. There is also great deal of delay in waking up to the award of money to the claimant, an employee, trying to undo the proceedings after putting in appearance. Thus, I find no valid ground is made out to set aside the order proceeding ex parte as well as the ex parte award made against the petitioner. An opportunity to re-enter the case and spark off a fresh trial only to delay the execution of the money

decree will not be granted for the mere asking on grounds of misplaced sympathy and compassion.

Consequently, the instant petition is dismissed.

23.10.2018

Vimal

**[RAJIV NARAIN RAINA]
JUDGE**

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>