

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-8059-2013 (O&M)
Date of Decision:-08.01.2018.

Bhim Singh Sharma

.....Petitioner

Versus

Presiding Officer, Labour Court, Faridabad and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sukhwinder Singh Chatrath, Advocate for the petitioner.

None for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged award dated 7.12.2009 and order dated 10.12.2012 (Annexure P-2 and P-4, respectively).

Petitioner raised industrial dispute relating to termination which is stated to be illegal termination. Labour Court while deciding the Reference on 7.12.2009, none appeared either for the applicant or respondent. It was an ex parte award against the petitioner-workman. Feeling aggrieved by the award dated 7.12.2009, petitioner has submitted application for recalling the award and it was rejected on 10.12.2012. Hence, the present petition.

On 26.09.2017 it was made clear that if there is no representation on behalf of respondent No.2, matter would be proceeded

with the available records. Since Labour Court has not decided Reference on merits, hence, award passed by the Labour Court dated 7.12.2009 and consequent order dated 10.12.2012 are set aside and the matter is remanded to the Labour Court. Labour Court is requested to decide the Reference afresh within a period of six months from the date of receipt of certified copy of this order. Parties are hereby directed to cooperate in deciding the Reference by the Labour Court.

Petition is allowed subject to payment of cost of ₹ 5,000/-. Cost shall be deposited in the Mediation and Conciliation Center of this Court by the petitioner within a period of 3 months from today.

(P.B. BAJANTHRI)
JUDGE

January 08, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.