

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

118/4

CWP-24663-2018

DATE OF DECISION: 25.09.2018

**District Manager, Haryana Agro Industries
Corporation Ltd. and another**

...Petitioners.

VERSUS

**Presiding Officer, Labour Court, Ambala
and another**

...Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Balvinder Sangwan, Advocate for the petitioner.

Shekher Dhawan, J.

Present writ petition under Article 226/227 of the Constitution of India is challenge to the order dated 13.09.2018 (Annexure P1), whereby learned Industrial Tribunal passed the following order:-

*“Present: Sh. Sanjeev Gawri, AR for the workman
Sh. Balwinder Sangwan, AR with Sh. Niranjana
Singh, Incharge for the management.*

Written statement not filed. An adjournment is sought which is opposed. One more opposed. One more opportunity is granted to the management subject to payment of cost of Rs.500/-. The case is adjourned to 25.09.2018 for filing of written statement and payment of cost.

*Sd/-
District & Sessions Judge
Presiding Officer, Labour Court
Ambala”*

Date:13.09.2018

Learned counsel for the petitioner, while assailing the impugned order dated 13.09.2018, contended that petitioner herein had put

in appearance before the learned Industrial Tribunal on 06.09.2018 and sought adjournment for filing reply. Learned counsel further contended that he could not file reply as record is available at different places. Learned counsel for the petitioner also fairly conceded that reply is ready and date fixed in the matter is 25.09.2018 i.e. today itself.

Having considered the submission made by learned counsel for the petitioner and appraisal of the record, this Court is of the considered view that learned Industrial Tribunal adjourned the matter on 06.09.2018 to 13.09.2018 and on that date also written statement was not filed. The matter was again adjourned for 25.09.2018, subject to payment of costs of Rs.500/-. The petitioner is aggrieved of the said order and the present writ petition is totally misuse of the writ jurisdiction. There was no reason for the petitioner not to file reply before the Court concerned within the stipulated period. Instead of filing reply before the learned Industrial Tribunal, petitioner has filed the present writ petition.

In view of above, present writ petition is dismissed being totally misuse of the writ jurisdiction.

(SHEKHER DHAWAN)
JUDGE

25.09.2018.

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Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO