

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH****Date of decision: 17.11.2018****CWP No.29084 of 2018**

Dayanand Medical College &amp; Hospital, Ludhiana ...Petitioner

Vs.

Chandi &amp; another ...Respondents

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

Present: Mr. B.B.S.Sobti, Advocate, for the petitioner.

**RAJIV NARAIN RAINA, J. (ORAL)**

1. The Industrial Tribunal at Ludhiana declined the reference vide award dated 30.08.2018, but saddled the petitioning management with ₹20,000/- as litigation expenses. Mr. Sobti has raised serious objection to this part of the award calling it an illegal direction. The fact of the matter is that no one can predict the result of litigation and everyone approaches a court of law with hope. I would, therefore, decline to exercise the extraordinary writ jurisdiction under Article 226 of the Constitution in a trifling matter involving only ₹20,000/-.

2. By the way, the Labour Court has not awarded costs, damages or compensation and has confined itself to payment of litigation expenses in exercise of its discretionary jurisdiction which partial relief cannot be criticized as unfair or unjust. The direction is not per se illegal. It may be true that costs can be imposed on the unsuccessful party, but not in all situations to cover cases to remedy expense incurred in pursuit of a decree or

an award from the Tribunal on arguable pleas based on evidence. A marginal worker who felt aggrieved was up against a mighty management.

3. However, this order will, on the insistence of counsel, not be treated as a precedent as the issue is left open, as it is not found worthwhile to issue notice to the worker, who will be put to bear further expense and trouble to defend the case if summons are issued to him when there is hardly any legal issue up for consideration which may go to the root of the matter.

4. I may add that, nevertheless, this order will not preclude the respondent from assailing the award on merits in an appropriate proceeding, if advised.

5. As a result, the petition is dismissed in *limine*.

**17.11.2018**  
Vimal

**[RAJIV NARAIN RAINA]**  
**JUDGE**

*Whether speaking/reasoned:* *Yes*

*Whether Reportable:* *Yes*