

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

122

CWP-929-2018 (O&M)
Date of decision:18.01.2018

Ram Gopal

....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court I, Gurgaon
and another

.... Respondents

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

Present: Mr. Perdhuman Yadav, Advocate for the petitioner.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has challenged the award passed by the labour court dated 29.09.1998 (Annexure P-10) and rejection of miscellaneous application No.17 of 2014 on 19.07.2017 (Annexure P-16). Admittedly, there is inordinate delay and laches on the part of the petitioner insofar as relief to setting aside ex-parte award dated 29.09.1998 i.e. miscellaneous application was filed in the year 2014. There is no infirmity in the order dated 19.07.2017. Labour court has recorded as under:-

“4. From the present application, it is apparent that there is no date of death of Sh. B.R. Yadav, the then authorized representative of the workman whose presence is marked till 12.05.1998 i.e, the date prior to date in question. The entire responsibility was of the workman to enquire about the next date of hearing. Had the workman/applicant would have been vigilant enough he would have got to know about the death of his AR at the earliest and could have appeared in those proceedings without any delay but the workman remained absent even for the subsequent period till the

exparte Award was announced against him. Not only this, in the present application also he has concealed the date of death of Shri B.R. Yadav as a result it is difficult for the court to ascertain as to whether the explanation tendered by the applicant/workman is a sufficient reasonable explanation about his absence and that his absence was for the reasons beyond his control.

5. *Not only this, the applicant/workman is also silent about the date of appointing of Sh. A.K. Sharma. The application in hand has been filed on 21.05.2014 i.e. more than thirteen years after the exparte award was announced against him. Further perusal shows that the application has been filed by AR during the proceedings of reference no.415 of 1996 which was decided exparte vide Award dated 29.09.1998 nor he ever appeared for the application in hand. The copy of order of Disciplinary Committee No.-IV Bar Council of Punjab and Haryana, Chandigarh as is placed on record by the applicant/workman, though shows that an action was taken against advocate A.K. Sharma on the complaint of Ram Gopal but the document is miserably silent to prove as to whether those proceedings are in reference to the present matter in issue. Further perusal of the said copy clarifies that the aid matter stands compounded after receiving Rupees 25,000/- by the workman from the management. The aid payment was directed to be made on the next date of hearing fixed as 05.12.2015. Present matter was never adjourned to 05.12.2015 as is apparent from the proceedings sheet of the present file. The copy of order of Disciplinary Committee has been highly relied upon by the workman is not applicable to the present facts and circumstances. Hence, the plea taken as the ground of absence is highly insufficient to afford any reasonable explanation to the long absence of the*

workman despite his knowledge about death of his AR during the pendency of his previous reference itself. In view of entire discussion the application stands dismissed.”

Accordingly, petitioner has not made out case to interfere with the impugned orders. CWP stands dismissed.

18.01.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons: Yes/No

Whether Reportable: Yes/No