

(111) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.10480 of 2019 in/and
CWP No.14419 of 2019

Date of decision : 24.07.2019

Raju Dayma and others

.... Petitioners

Versus

Presiding Officer, Labour Court-I, Gurugram & Ors.

.... Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Sandeep Kotla, Advocate for the petitioners.

B.S. WALIA, J. (ORAL)

CM No.10480 of 2019

[1] C.M. has been filed for restoration of the writ petition which was dismissed for non-prosecution vide order dated 27.05.2019.

[2] For the reasons as are mentioned in the application which is supported by an affidavit, the same is allowed. Order dated 27.05.2019 is recalled and the writ petition is restored to its original number.

CWP No.14419 of 2019

[1] Learned counsel for the petitioner contends that the reference in the case filed in the year 2008 was dismissed by the Labour Court vide order, Annexure P-4 dated 06.12.2017 by holding that individual reference ought to have been sought. Pursuant to the order of the Labour Court, a

fresh reference was got made in the year 2018 and the case is now pending adjudication before the learned Industrial Tribunal-cum-Labour Court-I, Gurugram i.e. respondent No.1.

[2] Prayer is that since termination of services of the petitioners in the year 2008, the petitioners are pursuing their legal remedy ever since, therefore, directions be issued to the learned Industrial Tribunal-cum-Labour Court, Gurugram to decide the reference in a time bound manner in view of the fact that reference was initially made though at the behest of the Union qua the dispute pertaining to the petitioners in the year 2008, yet the same was dismissed by the Industrial Tribunal-cum-Labour Court on the ground that individual reference ought to have been sought whereupon a fresh reference was sought by the petitioners in their individual capacity under Section 2 A of the Industrial Disputes Act, 1947 in the year 2018.

[3] Directions prayed for cannot be issued as evidence of both sides has to be recorded. However, taking into account all aspects of the matter it is deemed appropriate to direct the learned Industrial Tribunal-cum-Labour Court-I, Gurugram to ensure expeditious decision of the dispute keeping in view the fact that the petitioners have been agitating their grievances since the year 2008 and had to seek a fresh reference in the year 2018 under Section 2 A of the Industrial Disputes Act, 1947 on the same cause of action.

[4] Writ petition disposed of with aforementioned directions.

24.07.2019
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(B.S. Walia)
Judge

1. Whether speaking/reasoned: Yes/No.
2. Whether reportable : Yes/No.