

CWP-14001-2014

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14001-2014

Date of Decision: 4th September, 2019

Punjab National Bank

...Petitioner

Versus

The Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chandigarh & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harsh Aggarwal, Advocate
for the petitioner.

Mr. Arun Kumar Batra, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 21.07.2014, when notice of motion was issued by this
Court, following order was passed:-

“Counsel contends that the management was earlier
proceeded against ex parte on 25.05.2011 on account of
the fact that the advocate who was conducting the
proceedings left practice and formed an education
institution, which fact finds mention in the application
for setting aside the ex parte proceedings dated
22.02.2012 (Annexure P-4). However, the said
application was dismissed since the authorized
representative did not put in appearance. It is submitted
that notice in the application was issued on 22.02.2012

and the Presiding Officer remained on leave on several dates, due to which the authorized representative was not present and the application was dismissed on 18.04.2013 (Annexure P-6). Thereafter, another application was filed for restoration, which has now been dismissed vide the impugned order dated 22.05.2014 (Annexure P-9) and the matter has been kept for hearing on the fairness of the inquiry.

Counsel submits that the respondent-employee had stolen drafts and some of the draft leaves were misused by him and criminal proceedings had also been initiated against him. The petitioner-bank had lost confidence in him and, therefore, it would be prejudiced if the bank is not allowed to contest the case on merits. He submits that admittedly, there has been a lapse on the part of the bank on several occasions but the workman should not get the benefit of the said lapses.

Notice of motion for 13.10.2014, subject to the deposit of ₹ 25,000/- with the Registrar of this Court. The said amount shall be disbursed to the workman on putting in appearance of the workman. The summons shall indicate the said fact. Respondents be served by way of dasti process.

In the meantime, final order be not passed by the Labour

Court.”

Having considered the submissions made by the learned counsel for the parties and keeping in view the facts that the application for setting aside the *ex parte* proceedings has been dismissed in default on 18.04.2013 (Annexure p-6) and the application filed for restoration was also dismissed vide order dated 22.05.2014 (Annexure P-9), interest of justice would require that the said order be set aside by compensating respondent No.2 so that the matter can be decided on merits.

In view of the above, the present writ petition is allowed and the impugned order dated 22.05.2014 (Annexure P-9) passed by the Industrial Tribunal-cum-Labour Court, Chandigarh, is hereby set aside. The amount of ₹ 25,000/- which was deposited with the Registrar of this Court has already been disbursed to respondent No.2.

Parties are directed to appear before the Industrial Tribunal-cum-Labour Court, Chandigarh, on 25.09.2019.

4th September, 2019
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No