

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

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Civil Writ Petition No.8846 of 2014 (O&M)
Date of Decision: December 2nd, 2019

Nar Singh

...Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Circle-I,
Faridabad and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Kumar Goyal, Advocate
for the applicant-petitioner.

Mr. Manish Dadwal, Assistant Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.3602-CWP of 2017

Prayer in this application is for amendment of the writ petition as the petitioner intends to challenge the award dated 26.04.2010, which is being placed on record as Annexure P-4 with the writ petition.

For the reasons mentioned in the application, the present application is allowed.

Amended writ petition is taken on record.

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Despite service, none has put in appearance on behalf of contesting respondent No.2.

Challenge in this writ petition is to the order dated 26.04.2010 (Annexure P-4) vide which not only the petitioner was proceeded against *ex parte* as none was present and, therefore, the award has been passed deciding the reference against him and the award of the same date, where because of there being no evidence on the record, the award has gone against the petitioner.

2. Learned counsel for the petitioner has placed reliance upon the judgment of this Court in *Bijender Singh Versus The Presiding Officer and another 2015 (3) PLR 39* to contend that the order/award dated 26.04.2010 (Annexure P-4) passed by the Labour Court cannot sustain and deserve to be set aside.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the records of the case as well as the impugned order/award dated 26.04.2010 (Annexure P-4).

4. On perusal of the judgment passed by this Court in *Bijender Singh's case (supra)*, this Court is satisfied that the case of the petitioner is covered in his favour by the ratio of the said judgment and in the light of the same, the present writ petition is allowed.

5. Order/award dated 26.04.2010 (Annexure P-4) are set aside.

6. Petitioner is directed to appear before the Labour Court on **18.12.2019**.

7. The Labour Court shall thereafter proceed in accordance with law and as per the judgment passed by this Court in *Bijender Singh's case (supra)*.

December 2nd, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No