

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3124 of 2019(O&M)
DECIDED ON : 02.03.2020

M/s Complete Secure Solutions and anr.

...Petitioner

versus

Presiding Officer Industrial Tribunal Ludhiana and others.

...Respondents

CORAM : HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present : Ms. Narender Kaur, Advocate for
Ms. Jigyasa Tanwar, Advocate
for the petitioners.

Mr. Naveen Upadhyay, Advocate
for respondent No.2.

Mr. Deepak Jain, Advocate
for respondent No.3.

GIRISH AGNIHOTRI, J. (ORAL)

Present petition has been filed by the petitioner-M/s Complete Secure Solutions and another, *inter alia*, with the prayer to set aside ex-parte impugned order dated 06.11.2017 (Annexure P-7) passed by the Industrial Tribunal, Ludhiana (hereinafter to be referred as 'the Tribunal').

Vide order dated 06.11.2017 (Annexure P-7) and order of clarification dated 21.11.2017 (Annexure P-8), the Tribunal has ordered that the respondent-Management has wrongly withheld the dues mentioned in para 10 of the order. It has therefore ordered that the amount of Rs.82980/- along with interest @ 18% per annum be paid to the workman till the actual date of payment.

The records of the case show that on 04.02.2019, notice of motion was issued. The petitioners were directed to pay sum of Rs.10,000/-

to the workman-respondent No.2 towards litigation expenses. The petitioners were also directed to deposit Rs. 1 lakh with the Registrar General of this Court. It has also been ordered that warrants of attachment be not executed against the petitioners by respondent No.3-Yes Bank Limited.

On 08.01.2020, directions were given to counsel for the petitioners to seek instructions so as to comply with the order dated 04.02.2019. Again on 06.02.2020, directions were given by this Court by directing the counsel for the petitioners to seek instructions.

Today on resumed hearing of the case, Ms. Narinder Pal, Advocate, appears for the petitioners and makes a statement that she wishes to withdraw her power of attorney, as the petitioners have given no instructions inspite intimation sent to them.

This Court on 04.02.2019 and then on 06.02.2020, had passed the following orders. Both the orders are reproduced hereunder:-

Order dated 04.02.2019

“Notice of motion.

Service upon respondents No.1 & 4 is dispensed with.

The petitioners will pay a sum of Rs.10,000/- to the workman/respondent No.2 to defray expenses likely to be incurred in defending this petition. Costs be paid by way of demand draft in the name of workman on the next date of hearing after he appears either in person or through counsel.

In addition, petitioners’ would deposit Rs.1 lakh before the Registrar General of this Court within 7 days failing which the petition will stand dismissed automatically without reference to this Court.

Meanwhile, warrants of attachment be not executed against the petitioners by respondent No.3/YES Bank Limited. Execution proceedings shall stand deferred to await the orders of this Court.

List again on 16.07.2019.

Order dated 06.02.2020

On the last date of hearing i.e. 08.01.2020, the following order was passed:-

“Memorandum of appearance has been filed by Mr. Deepak Jain, Advocate on behalf of respondent No.3.

List on 06.02.2020.

Meanwhile counsel for the petitioner shall comply with the order dated 04.02.2019 i.e. to pay litigation expenses.”

Counsel for the petitioners be informed about passing of the last order. It is made clear that if no one appears on behalf of the petitioner on the next date of hearing, this Court would be constrained to proceed further with the matter to dispose of the petition.

Adjourned to 02.03.2020.”

With the able assistance of counsel for respondents No. 2 and respondent No.3 respectively, order dated 06.11.2017 (Annexure P-7) has been perused. Vide the said order, applicant-Saurav Kumar, had stated that he has joined the respondents as a 'workman' on salary of Rs.22,000/- per month. It was further stated that he was designated as Jr. BDM but his grievance was that the respondent-Management had withheld his dues. He had, therefore, filed application for recovery of Rs.82980/- along with interest. In order dated 06.11.2017 passed by the Tribunal it is categorically recorded that the respondent initially appeared but later on was proceeded against ex-parte. The position is the same before this Court also as initially to secure the stay of warrants of attachment, the present writ petition was filed and interim orders were prayed for. Once again, despite various opportunities no one had appeared.

This Court is of the view that no further accommodation can be granted. The workman whose dues have not been paid to him since 2016,

cannot be deprived of the same for any further time.

Writ petition is, therefore, dismissed.

The Registrar of this Court is directed to release the amount of
Rs. 1 lakh so deposited with this Court to respondent No.2.

March 02, 2020

jyoti3

**(GIRISH AGNIHOTRI)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO