

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17130 of 2016
Date of Decision: 07.01.2020

Punjab Small Industries & Export Corporation ... Petitioner

VS.

Presiding Officer, Industrial Tribunal, Jalandhar & Anr. ... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Ms. Salina Chalana, Advocate for the petitioner

Mr. Vibhu Agnihotri, Advocate for respondent No.2

GIRISH AGNIHOTRI, J. (Oral)

(1) The present writ petition has been filed by the petitioner - Punjab Small Industries & Export Corporation, *inter alia*, with a prayer to set aside the award dated 06.04.2016 (P1) whereby respondent No.2 had been ordered to be reinstated with 20% backwages with continuity in service.

(2) On 23.08.2016 notice of motion was issued in this case and the backwages were ordered to be are stayed till the next date of hearing.

(3) In pursuance thereof, it is informed by learned counsel for the parties that respondent No.2 in fact was taken back in job. In the order dated 05.12.2018, it has been recorded that the respondent-workman had unfortunately passed away on 19.11.2017. Accordingly, it was directed that counsel for respondent No.2 may bring the LRs on record.

(4) Today on resumed hearing of the case, learned counsel for respondent No.2 submits that he had written to the General Secretary of the Centre of Indian Trade Unions (CITU) who, in turn, has informed that the father, mother and wife of the workman have since died and his children are under-age and they do no wish to contest the case. The letter dated

04.02.2019 written by the said union to the counsel is taken on record as 'Mark C1'.

(5) In view of the above, no further orders are called for. The present writ petition has become infructuous. So ordered.

(6) However, keeping in view the fact that the children of the workman (since deceased) are under-age and that since the cause of action has not abated as the respondent-workman was reinstated in service with 20% backwages, liberty is granted to the legal heirs of the respondent-workman i.e. his children to make an application for revival of the writ petition.

(7) Registry is directed to send a copy of this order to the LRs of the respondent No.2-workman at his given address.

(8) The writ petition stands disposed of as infructuous with liberty aforementioned.

07.01.2020
Vvishal

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No