

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

CR-1636-2021

Date of decision : 23.09.2021

Punjab State Warehousing Corporation and another

.... Petitioners

Versus

Controlling Authority under the Payment of Gratuity Act and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Sanjeev Soni, Advocate
for the petitioners.

Mr. Maloo Chahal, DAG, Haryana.

H.S. MADAAN, J (ORAL)

[The case has been taken up through Video Conferencing.]

As per report of the Registry, respondent No.2 is duly served, but nobody has put in appearance in the Court on his behalf.

The petitioner has impleaded Assistant Labour Commissioner, Ferozepur for the reason that the impugned order had been passed by him while discharging his judicial functions. No necessity of securing his presence before the Court is there since only order passed by him is to be examined.

I have heard learned counsel for the petitioners besides going through the record.

Punjab State Warehousing Corporation, Chandigarh and its District Manager, Ferozepur City have approached this Court by way of filing civil revision petition under Article 227 of the Constitution of India praying for setting aside impugned order dated 13.07.2021 (Annexure P-5) passed by learned Controlling Authority (Assistant Labour Commissioner) Ferozepur under Payment of Gratuity Act vide which the evidence of the present revisionist/respondent before the Controlling Authority had been closed by order.

In the impugned order, it has been mentioned that due to non-presence of witnesses, respondent has not produced any evidence and that several opportunities have already been granted to respondent to produce evidence, but it has not brought any evidence on record so far, finding no justifications, evidence of respondent was closed by order. Although I do not find any illegality in the order, but in the interest of justice in order to enable the respondent to bring on record the evidence in support of its versions, for proper and effective adjudication of controversy between the parties and to prevent any prejudice to its interest; the present petition is allowed and impugned order is set aside granting one effective opportunity to respondent No.2-Punjab State Warehousing Corporation, Ferozepur to produce its entire evidence before the authority at own responsibility, however service or non-service of summons shall not be ground for further adjournment. This opportunity is being granted to respondent No.2 subject to the payment of Rs.10,000/- as costs to the petitioner, before the authority.

(H.S. MADAAN)
JUDGE

23.09.2021
Dinesh

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