

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2578 of 2019 (O&M)
Date of decision: 07.12.2022

Engineer-in-Chief Public Health Department and others

..Petitioners

Versus

Ash Mohammad

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harsh Vardhan, AAG, Haryana
Mr. N.K.Vashisht, Advocate, for the respondent.

ANIL KSHETARPAL, J(Oral)

While assailing the correctness of the order dated 19.09.2017, the State of Haryana has filed the present revision petition. The Labour Court has refused to recall the order dated 15.11.2016, while striking off its defence on account of non filing of the written statement. An application filed for the modification of the aforesaid order has been dismissed by the Labour Court on the ground that it has no power to review the orders passed by it.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

The State of Haryana while filing the application for recall of order dated 15.11.2016 asserted that no notice of the claim petition was received and they appeared before the same Court in some other matter when they came to know about the pendency of the present proceedings. It is submitted that the delay was neither deliberate nor intentional.

The Labour Court has dismissed the application while taking a

note of the fact that the summons sent were received back served and a Junior Engineer, P.W.D Department, Division No.2 had entered appearance and despite availing more than 6 opportunities, the written statement was not filed by the State.

It is not in dispute that the petition is still pending. The respondent's claim petition is yet to be adjudicated. It will be in the interest of justice that the petitioner is permitted to file the written statement in order to have effective adjudication on the merits of the case.

Hence, without commenting on the merits of the case, one opportunity is granted to the State of Haryana to file the written statement, subject to payment of Rs.500/- as cost.

The revision petition is allowed.

All the pending miscellaneous applications, if any, are also disposed of.

December 07, 2022

nt

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*