

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

LPA-639-2022

Decided on: 03.08.2022

Manveer Singh

.....Appellant

Versus

M/s Swastic Auto Mech Pvt. Ltd. and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. A.P. Bhandari, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order dated 27.05.2022 passed by the learned Single Judge in a writ petition which was preferred by the appellant challenging the order dated 25.03.2022, whereby the *ex parte* award passed against the respondent on an application having been moved, has been set aside and the Labour Court has proceeded to hear the matter on merits.

It is the contention of the learned counsel for the appellant that the respondents have been duly served. The stand of the respondents in the application for setting aside the *ex parte* award is that they had engaged a counsel to appear on their behalf as a representative, who failed to do so after the first appearance and therefore, the *ex parte* award was passed on 16.03.2018. The application for setting aside the *ex parte* order was moved

on 18.05.2018 but the said application had finally been allowed vide order dated 25.03.2022. In this process almost 04 years have been lost. Cost which has been awarded to the appellant is meager Rs.5,000/-, whereas had the award been in operation, the appellant would have been entitled to all the consequential benefits including the wages for the said period. The amount of costs as imposed is meager which need to have been enhanced. He, in the alternative, asserts that at least a direction may be issued to the Labour Court to expedite the proceedings and decide the same at an early date, keeping in view the fact that the reference is of 09.05.2017.

We have considered the submissions made by learned counsel for the appellant but do not find ourselves in agreement to the assertions as have been made with regard to the order passed by the Labour Court setting aside the *ex parte order* to be not correct. There has been no delay on the part of the respondent-employer as the *ex parte* award was passed on 16.03.2018 and the application for setting aside the said *ex parte* award was moved on 18.05.2018. The delay, if any, had occurred at the level of the Labour Court the responsibility of which cannot be foisted upon the employer. Cost which has been imposed by the Labour Court do not call for interference as it is the discretion which has been rightly exercised in a reasonable manner by the Labour Court. The order passed by the learned Single Judge dated 27.05.2022, is based upon proper appreciation of the pleadings and the factual matrix, therefore, do not call for any interference.

However, as regards the request of the learned counsel for the appellant that the reference being of the year 2017 pending with the Industrial Tribunal-cum-Labour Court may be decided at an early date, we dispose of the present appeal with an observation that the Industrial

Tribunal-cum-Labour Court-III, Faridabad where the reference is pending shall make an endeavour to decide the reference at an early date preferably within a period of one year from the date of receipt of certified copy of this order, provided the parties cooperate and do not take any unnecessary adjournments.

(AUGUSTINE GEORGE MASIH)
JUDGE

03.08.2022
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(SANDEEP MOUDGIL)
JUDGE

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