

CM-5805-CWP-2015 in/and
CWP No.16526 of 2013 (O&M)
Date of Decision: 09.12.2022

Swaran Singh

.....Petitioner

Versus

Industrial Tribunal, Patiala and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Neha Dewan, Advocate for
Mr. Ravi K.Mattoo, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of Certiorari or any other appropriate writ, order or direction for quashing part of the award dated 04.01.2013 (Annexure P-1) passed by respondent No.1, whereby relief of reinstatement with continuity of services and full back wages has been declined to the petitioner-workman.

A perusal of the order sheets shows that in this case notice of motion was issued on 01.08.2013. On 10.02.2014, service upon respondent No.2 was not effected due to non-filing of process fee by the counsel for the petitioner. Thereafter, the petitioner had sought repeated adjournments for filing of process fee for effecting service upon respondent No.2. On 23.03.2015, the petitioner sought time to file an appropriate application for effecting service upon respondent No.2. On 14.07.2015, an application for substitute service upon respondent No.2 by way of publication in newspaper

was filed. Still the petitioner did not take necessary steps to get the publication done in the newspaper for effecting service upon respondent No.2; instead; repeated adjournments were taken. Thereafter, vide order dated 08.07.2016, the petitioner was again directed to take alternative steps to serve notice upon respondent No.2. On 16.04.2018, following order was passed by this Court:

“xxxxxxx xxxxxxx xxxxxxx
The counsel for the petitioner had submitted that
he had the correct address of respondent No.2
and he is permitted to take service of notice to
respondent No.2, in accordance with law, failing
which petition would be dismissed on the next
date of hearing.
xxxxxxx xxxxxxx xxxxxxx”

Thereafter, correct address of respondent No.2 was filed by way of CM No.11975-2018. The said application was allowed on that day and notice was ordered to be issued for 07.09.2019. However, even on that notice, report had come that the said firm already stood closed and respondent No.2 was no more available at the said place. On 28.04.2022, the following order was passed by this Court:-

“There is no representation on behalf of the respondents.
In the interest of justice, adjourned to 09.12.2022.
However, no further adjournment shall be granted.
xxxxxxx xxxxxxx xxxxxxx”

In view of the above, since the petitioner has failed to effect service upon respondent No.2 in spite of repeated opportunities given and since the case pertains to the year 2013, therefore, this Court does not find

any reason to proceed further with the matter.

Dismissed.

The pending miscellaneous application, if any, is also disposed of as such.

(RAJBIR SEHRAWAT)
JUDGE

09.12.2022
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No