

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

Sr. No.115

CR-131-2022 (O&M)

Date of decision : 01.02.2022

..... Petitioner

M/s SKH Metals Pvt. Ltd.

VERSUS

Subhash Yadav and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. P.S. Saini, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

Order dated 28.09.2021 passed by Labour Court, Gurgaon, is under challenge in this revision petition. Vide the said order, the Labour Court has refused to recall order dated 27.01.2016, whereby, the evidence of the management was closed. The reason for closure of evidence was that the management had failed to conclude its evidence despite last opportunity.

Learned counsel for the petitioner has argued that the order of the Labour Court cannot be sustained in law as it is not supported by sufficient reasons. The company stood closed and this fact is apparent on the record. Thus, the witness-MW/1 who had been partly cross-examined, left service and did not put in appearance on later dates. Thereafter, new management took over and has filed the application for recall so as to conclude its evidence. These facts have not been taken into consideration at all.

Although, the order of the Labour Court is not happily worded, the submissions raised by learned counsel for the petitioner cannot be accepted as the facts pointed out by him have in fact been considered.

The Labour Court has found that the new management took over on

it failed to file an application for recalling of the order dated 27.01.2016 within a reasonable period of time. The AR for the management only kept on seeking dates and this shows that the management did not exercise due diligence. Accordingly, the application was rejected.

The reasoning referred to hereinabove is cogent and logical and cannot be faulted in any manner. Thus, the revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

01.02.2022
Ramandeep Singh

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