

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

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CWP No. 13 of 2022

Date of Decision: 06.01.2022

M/s The Sirsa Bansivat Cooperative L/C Society Ltd.

....Petitioner

Versus

Presiding Officer and others

...Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Nonish Kumar, Advocate for the petitioner.

HARINDER SINGH SIDHU, J.

Present writ petition has been filed praying for setting aside the order dated 02.04.2021 (P-5) whereby the Presiding Officer, Labour Court, Panipat has struck off the defence of the petitioner for its failure to file the written statement.

It is stated that the petitioner is a registered Co-operative Society. The petitioner takes contract of labour work of various Government Departments to supply manpower to the departments. The petitioner was awarded contract to supply manpower to respondent No.3 in the area of Operation Circle UHBVN Rohtak, Panipat, Sonapat, Jhajhar for the financial year, 2015-16 i.e. from 01.09.2015 to 28.02.2016 vide work order dated 01.09.2015.

Petitioner engaged Respondent No.2 to work as Assistant Lineman on contract basis as per the requirement of work of respondent No. 3 in the circle i.e. Operation Sub- Division UHBVN Panipat. He worked till his services were required. The contract of service of respondent No.2 specifically mentioned that his service

would be discontinued if there was no requirement of work. As the requirement for work ceased the services of respondent No.2 were not continued. Respondent No.2 filed a reference under Section 2 A of the Industrial Dispute Act. The petitioner appeared before the Labour Court through its authorized representative on 20.12.2019. Thereafter the matter was adjourned to 24.01.2020. The case was then listed before the Labour Court in February, 2020. However written statement could not be filed. After that no physical hearing could take place because of the lockdown imposed in the Country. The case was then listed on 29.01.2021, 26.02.2021 and 02.04.2021 for filing written statement on behalf of the petitioner. However, as the written statement was not filed, vide impugned order dated 02.04.2021, the defence of the petitioner was struck off and the case was adjourned to 07.05.2021.

It is stated that because of the COVID-19 pandemic the petitioner could not get in touch with its authorized representative. It was not aware of the fact that its defence had been struck off. It was only in November, 2021 that the petitioner came to know of the aforesaid order.

It is stated that the failure of the petitioner to file the written statement is not intentional. The petitioner would be seriously prejudiced if it is not permitted to file its written statement and the defence is struck off. It is prayed that the the petitioner be granted one opportunity to file the written statement.

Considering the aforesaid facts and circumstances it is

deemed appropriate in the interest of justice that the petitioner be granted one last opportunity to file the written statement.

Accordingly this petition is allowed. The impugned order dated 02.04.2021 (P-5) is set aside. The Ld. Labour Court is requested to grant one final opportunity to the petitioner to submit the written statement.

Learned counsel for the petitioner states that the petitioner would file the written statement within one week.

Petitioner may file the written statement on or before 14.01.2022. This shall be subject to deposit of Rs. 10,000/- (ten thousand only) as costs to respondent No.2.

[HARINDER SINGH SIDHU]
JUDGE

January 06, 2022

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Whether speaking/reasoned

Yes/no

Whether reportable?

Yes/no