

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

**CM-20571-CWP-2022 in/and
CWP-3049-2022**

Date of decision : 17.01.2023

**DCM Engineering Products, Asron
Vs.**

...Petitioner

Rishu Kumar and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pawan Kumar Mutneja, Sr. Advocate with
Mr. Suverna Mutneja, Advocate and
Mr. Abhishek Sindhu, Advocate
for the applicant-petitioner.

MANOJ BAJAJ, J.

CM-20571-CWP-2022

This application has been filed by applicant/petitioner under Section 151 Code of Civil Procedure for withdrawal of the main case, as according to the learned senior counsel representing applicant nothing survives for adjudication in this case.

Learned senior counsel states that though notice of motion in writ petition was issued on 18.02.2022, but pursuant to the same, no one has ever appeared on behalf of the respondent No.1-Rishu Kumar-workman. He prays for pre-ponement of the date of hearing, as withdrawal of the writ petition would not cause any prejudice to the non-applicant/workman.

For the reasons mentioned in the application, the same is allowed and on the oral request of learned counsel for the petitioner, the date of hearing is pre-poned to today.

Main case

Petitioner has filed this writ petition under Article 226

Constitution of India seeking writ of certiorari for setting aside the order dated 23.12.2021 (Annexure P-22) passed by Industrial Tribunal, Jalandhar, whereby petitioner's application under Section 33 (1) (b) Industrial Disputes Act, 1947, was dismissed. Further, the petitioner has prayed for permission to dismiss respondent No.2/workman after following due process of law.

Learned senior counsel for writ petitioner submits that in the writ petition, order dated 23.12.2021 (Annexure P-22) passed by Industrial Tribunal, Jalandhar was challenged, whereby an application filed by petitioner/Management under Section 33 (1) (b) Industrial Disputes Act, 1947 seeking permission to dismiss the workman was declined on the ground of pendency of the industrial dispute through reference No.87/2017 titled “LJA Workers Union Vs. DCM Engineering Products”.

Today, learned senior counsel states that the said pending reference has been answered in favour of the writ petitioner/Management declining the claim of LJA Workers Union by holding that the company had closed their production in October 2019. According to him, further it has been held that the workers are not entitled to any relief.

Mr. Mutneja, learned senior counsel states that in view of this subsequent development, he does not press this writ petition and prays for withdrawal.

The prayer is accepted.

Writ petition is dismissed as withdrawn.

(MANOJ BAJAJ)
JUDGE

17.01.2023

vanita

Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

No

No