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

CWP-20959-2015

Date of Decision: 29.11.2023

M/s Ecos(I) Mobility and Hospitality Pvt. Ltd.

....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Gurgaon and
another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : None.

HARSH BUNGER, J. (Oral)

1. Prayer in the present petition filed under Articles 226/227 of the Constitution of India is for issuance of writ in the nature of Certiorari for quashing of order dated 16.10.2014 and judgment dated 03.03.2015, passed by Industrial Tribunal-cum-Labour Court-I, Gurgaon (Annexures P-2 and P-3).

2. In the instant matter, notice of motion was issued to respondent No.2 (Santosh Kumar) on 01.10.2015.

On the adjourned date i.e. 15.12.2015, it was observed by this Court that notice issued to respondent No.2 has been received back unserved due to incomplete address, accordingly, learned counsel for the petitioner was directed to furnish correct address of respondent No.2 and thereafter, fresh notice was to be issued. However, it appears that the correct address of respondent No.2 was not furnished and on 16.01.2017, the following order

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was passed:

“Summons of respondent-workman remains unserved.

Learned counsel pleads inability to serve the respondents at any other address than found in the award.

Without hearing workman it is not possible to accept the request of the learned counsel for the petitioner that the ex parte award be set aside and the case remitted for fresh trial before the Labour Court. Since the learned counsel says that this is a dead end then as a last measure the Labour Court record be requisitioned from where the full position can be ascertained before effective orders can be contemplated against the petitioner in implementation of the award.

List on 24.04.2017.”

Thereafter, when the matter is listed for 24.04.2017, no one had appeared on behalf of the petitioner and the same was the position on the next two dates i.e. 18.08.2017 and 06.12.2017 and ultimately the matter was adjourned *sine die*.

Now the matter has been put up by the DRR Section and as per the office report, learned counsel for the petitioner has been informed through e-mail, however, there is no representation on behalf of the petitioner in Court today.

3. It appears that the petitioner is no more interested in pursuing the present petition.

4. Dismissed for non-prosecution.

29.11.2023

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No