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

**CWP-21979-2015
Date of Decision: 28.07.2023**

Karnail Singh

..... Petitioner

Versus

Industrial Tribunal, Patiala and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: None for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

HARSH BUNGER J. (ORAL)

1. The present petition under Article 226 of the Constitution of India has been filed by the petitioner seeking issuance of a writ in the nature of *certiorari* for quashing order dated 02.06.2014 (Annexure P-3) passed by the Presiding Officer, Industrial Tribunal, Patiala (respondent No.1), whereby the application filed under Section 33-C (2) of the Industrial Disputes Act, 1947, claiming the leave encashment, has been dismissed. A further prayer has been made for issuance of a writ in the nature of *mandamus*, directing respondents No.2 and 3 to pay the amount with regard to the unspent earned leaves of the petitioner for the period commencing from 10.09.1987 to 31.07.2003.

2. Present writ petition was filed way back in the year 2015. Thereafter, the case was adjourned on various occasions either on the

request of learned counsel for the petitioner or learned State counsel.

3. A perusal of file reveals that there was no representation on behalf of the petitioner on the last date of hearing, i.e. 22.11.2022, and consequently, fresh notice was ordered to be served upon the petitioner for the next date of hearing (28.07.2023).

3. As per office report, notice issued to the petitioner has been received back with a report that the petitioner has died. However, today neither anyone has appeared to represent the deceased/petitioner nor any application for impleading his legal representatives has been moved so far.

4. Keeping in view of the above, the present petition is dismissed for non-prosecution. However, liberty is being granted to the legal representatives of the petitioner to file an appropriate application, in case any cause of action still survives.

5. All pending application(s), if any, shall also stand closed.

28.07.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No