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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27125-2015 (O&M)
Date of Decision: 13.01.2023

SUMER SINGH SAINI

.. Petitioner

Vs.

STATE OF HARYANA AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner-workman has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 16.10.2015 (Annexure P-8), whereby the Secretary to Labour Department, Government of Haryana has transferred the subject reference proceedings from Industrial Tribunal-cum-Labour Court-III, Faridabad to the Industrial Tribunal-cum-Labour Court, Ambala.

A perusal of the writ petition shows that the impugned order dated 16.10.2015 was challenged by the petitioner-workman and the notice of motion was issued by this Court on 05.01.2016 and thereafter, the written statement was filed by the State of Haryana on 12.04.2016, but thereafter, there has been no progress in this case and the matter was taken up on various dates and nobody appeared on behalf of the petitioner-workman on any of the dates except on 01.09.2016, therefore, the Court was compelled to adjourn this case sine die on 14.03.2018.

Further, a reading of the impugned order shows that the

reference was made by the appropriate Government initially on 06.03.2007 and referred the dispute between the parties for adjudication to the Industrial Tribunal-cum-Labour Court, Ambala, however, subsequently, considering the request of the workman on health grounds, this reference was transferred on 10.06.2015 to the Industrial Tribunal-cum-Labour Court-III, Faridabad.

Aggrieved against this administrative decision, the management made a request dated 25.07.2015 for re-consideration of the issue and thereafter, it was noticed that previously, the workman had filed Civil Revision No.1471 of 2015 seeking indulgence of this Court for transfer of this dispute to the Industrial Tribunal-cum-Labour Court-III, Faridabad, but the same was dismissed vide order dated 11.05.2015.

Considering the material concealment on the part of the workman, the respondent No.1 again exercised its power under Section 33-B Industrial Disputes Act, 1947 and transferred the proceedings from Industrial Tribunal-cum-Labour Court-III, Faridabad to Industrial Tribunal-cum-Labour Court, Ambala.

Apparently, the transfer order is more than seven years old and a close examination of the case file shows that the petitioner has shown no interest in this petition, therefore, at this stage, this Court is not inclined to exercise the extra ordinary writ jurisdiction under Article 226 Constitution of India.

Dismissed.

13.01.2023

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No