

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

\*\*\*\*

**CWP-4275-2018**

**Date of Decision: 31.10.2023**

Napino Auto and Electronics Employees Union

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Ashwani Bakshi, Advocate  
for the petitioner.

Mr. Praveen Chander Goyal, Addl. A.G., Haryana.

Mr. Ashwani Talwar, Advocate  
for respondent No.5.

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**HARSH BUNGER J. (ORAL)**

1. Present petition under Article 226 of the Constitution of India has been filed seeking issuance of directions to the respondents to perform their statutory duties by taking action under the provisions of the Industrial Disputes Act, 1947 and rules framed there under in the matter relating to illegal lockout in the respondent No.5-Establishment by its management and to ensure that the same is lifted immediately so that the workers can join their duty. A further prayer has been made that the necessary legal action be also taken against the said management under the provisions of the Industrial Disputes Act, 1947, for resorting to illegal act of locking out the respondent No.5-Establishment and making the workmen and their families

suffer due to the same.

2. Upon issuance of notice of motion in this case, a short reply has been filed on behalf of respondents No.1 to 4 wherein it is stated that respondent No.5-Management submitted 60 days notice dated 31.07.2017 under Section 25 FFA of the Industrial Disputes Act, 1947 and since the matter could not be settled during the course of conciliation proceedings, the matter was examined and the below mentioned issues were referred under Section 10(1) of the Industrial Disputes Act, 1947 to the Industrial Tribunal-cum-Labour Court, Gurugram-II, for adjudication:-

*“(i) Whether M/s Napino Auto and Electronics Limited, Plot No. 7, Sector 3, IMT Manesar, Gurugram, M/s Napino Auto and Electronics Ltd. Plot No.753-754, Phase-V, Udyog Vihar, Gurugram, and M/s Napino Auto and Electronics Ltd., Plot No.131, Sector 8, IMT Manesar is one and single industrial unit under the same management?*

*(ii) Whether the closure by the management of M/s Napino Auto and Electronics Ltd. is illegal being without following the prescribed procedure under law?*

*(iii) If the closure is considered to be illegal, then what relief the workmen are entitled to?*

*(iv) Any other issue on the pleadings of both the parties.”*

It was submitted that the concerned Tribunal is seized of the matter.

3. A separate written statement has been filed by respondent No.5 as well.

4. Learned counsel for the petitioner submits that he may be permitted to withdraw the instant petition, however, he further prays that a suitable direction may be issued to the Industrial Tribunal-cum-Labour Court, Gurugram-II to decide the reference No.58 of 2018 in a time bound

manner, which is stated to be pending.

5. Learned counsel for respondent No.5 does not dispute the aforesaid course of action.

6. Keeping in view the aforesaid submissions made by learned counsel for the parties, the present petition is dismissed as withdrawn.

7. The Industrial Tribunal-cum-Labour Court, Gurugram-II is directed to expedite the disposal of reference No.58 of 2018, preferably within one year, in accordance with law.

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

**31.10.2023**

*Apurva*

**(HARSH BUNGER)**

**JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No