

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

269(5)	CWP-28157-2019 Date of Decision: 14.11.2023
M/S PSA NITROGEN LIMITED	...PETITIONER
VS	
THE PRESIDING OFFICER, LABOUR COURT-II AND ANOTHER	...RESPONDENTS

(II)	CWP-17624-2019
M/S PSA NITROGEN LIMITED	...PETITIONER
VS	
THE PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD AND ANOTHER	...RESPONDENTS

(III)	CWP-17630-2019
M/S PSA NITROGEN LIMITED	...PETITIONER
VS	
THE PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD AND ANOTHER	...RESPONDENTS

(IV)	CWP-17650-2019
M/S PSA NITROGEN LIMITED	...PETITIONER
VS	
THE PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD AND ANOTHER	...RESPONDENTS

(V)	CWP-34333-2019
M/S PSA NITROGEN LIMITED	...PETITIONER
VS	
THE PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD AND ANOTHER	...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: None for the petitioner.

Mr. Shashi Kumar Yadav, Advocate
for respondent No.2.

HARSH BUNGER, J (ORAL

1. None has put in appearance on behalf of the petitioners.

2. On 30.09.2019, the following order was passed:-

“Learned counsel contends that the finding of the learned Tribunal in paragraph No.11 of the award that it was not the stand of the Management that the respondent/workman did not work continuously for more than 240 days, does not take into account that the onus for establishing that respondent No.2/workman had served for 240 days in 12 months preceding the date of termination is on the respondent/workman and that in the absence of the respondent /workman having discharged the said onus, the award is legally unsustainable in view of decision of Hon’ble the Supreme Court in Chief Engineer (Construction) v. Keshava Rao (Died) by LRs, 2005 (11) SCC 229.

Notice of motion for 28.11.2019.

Notice re: stay. Dasti only.

On appearance, respondent No.2/workman would be given a demand draft of Rs.15,000/- to enable him to engage a counsel.”

3. In terms of the above extracted order, the petitioner was to hand over the demand draft of Rs.15,000/- to respondent No.2/workman.

4. Perusal of the order dated 30.09.2019 reveals that direction contained in the said order was not complied with and an adjournment was sought by counsel for the petitioner on 28.11.2019, whereby the matter was adjourned to 26.02.2020 affording last opportunity to comply with the order dated 30.09.2019.

5. The matter was taken up on 26.02.2020, and again an opportunity was afforded to the counsel for the petitioner to comply with

the previous order dated 30.09.2019 passed by this Court. However, it appears that the said order has not complied with. It seems that petitioner is not interested in pursuing the present petition.

6. Dismissed for want of prosecution.

7. A photocopy of this order be placed on the files of other connected cases.

(HARSH BUNGER)
JUDGE

14.11.2023
pry

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No