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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12252-2000 (O&M)
Decided on : 21.08.2024

Tula Ram

Versus

... Appellant(s)

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Tula Ram has filed the instant writ petition, by challenging the order dated 10.07.2000 (Annexure P-5), whereby, Industrial Tribunal-cum-Labour Court, Gurgaon (in short, ‘learned Labour Court’) has dismissed the application filed under Section 33-C (2) of the Industrial Disputes Act, 1947 (for brevity, ‘ID Act’).
2. Petitioner – Tula Ram had filed an application No.48/1999 before the learned Labour Court for claiming the wages amounting to Rs.30,893/- p.m. and perks, from 10.02.1997 to 28.02.1998.

Learned Labour Court made its observation that the applicant (petitioner herein) has not brought any cogent and sufficient evidence to convince the Court that he was having any **pre-existing right**, and therefore, application filed under Section 33-C (2) of the ID Act, was held to be non-maintainable.
3. There is no representation on behalf of either of the parties,



despite having been informed by the Registry. In this situation, this Court is left with no other option, except to dismiss the present writ petition, as the same being not prosecuted.

4. Accordingly, present writ petition stands **dismissed for non-prosecution**.

5. However, in case, any substantive issue still exists along with cause of action, requiring its adjudication; liberty is granted to the petitioner to move an appropriate application for seeking revival of the present writ petition, within eight weeks from today.

6. It is clarified that if any such application is filed for seeking revival of the writ petition by the petitioner, an advance copy of the application would also be delivered to the opposite counsel i.e. respondent(s), and in case, writ petition is revived for its disposal on merits, for no reason, except for the exceptional circumstances, hearing of the writ petition would be deferred. Therefore, both the sides should remain present and ready for the purpose of addressing the final arguments.

7. Registry is directed to forward copy of the today's order at the address of the petitioner mentioned in the writ petition.

Misc. application(s), if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 21, 2024

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*