

CWP-14723-1997

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-14723-1997

Decided on : 09.04.2024

Executive Engineer, Distribution Division,
Punjab State Electricity Board, Anandpur Sahib,
District Ropar.

. . . Petitioner(s)

Versus

Presiding Officer,
Labour Court, Jalandhar and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rajesh Tushar, Advocate and
Mr. Roshan Lal Sharma, Advocate
for the petitioner(s).

None for respondent No.2.

Mr. Karan Nehra, Advocate and
Mr. Harvinder Singh, Advocate
for respondent No.3 – BBMB.

SANJAY VASHISTH, J. (Oral)

1. Present writ petition has been filed by the Punjab State Electricity Board (PSEB), Anandpur Sahib, District Ropar, whereby, impugned order dated 30.04.1997 (Annexure P-3), passed in an application under Section 33-C(2) of the Industrial Disputes Act, 1947 (for brevity, 'ID Act'), in favour of respondent No.2 – Kalyan Singh, has been challenged.

2. Relevant concluding part of the impugned order dated 30.04.1997 (Annexure P-3), says as under:-

“11. In the result, I accept this application and direct the respondents to pay him full wages and allowances after deducting the payments already made to him w.e.f. 15.7.80 the date of order of Hon'ble High Court to 2.2.1994 within five months from today failing which the respondents shall pay the same with interest at the rate of 12% p.a. with effect from 2.2.1994.”

3. In the present writ petition, on 30th September, 1997, order of notice of motion was passed, and thereupon, respondent No.2 – Kalyan Singh (workman) was represented through Mr. Sanjiv Bansal, Advocate, who continuously appeared on behalf of respondent No.2 uptill 13.12.2012. Thereafter, none appeared to represent respondent No.2 on 19.11.2013, 16.09.2016, 25.10.2016, 07.11.2016, 15.12.2016 and 19.02.2024.

4. Today, Mr. Karan Nehra, Advocate, appearing on behalf of respondent No.3 – BBMB, submits that against the same award, respondent No.3 – BBMB, had also filed one writ petition i.e. CWP-14601-1997 (O&M), titled as, “Bhakra Beas Management Board and another vs. Kalyan Singh and others”, which was dismissed on 06.12.2023, on account of the fact that BBMB (petitioner therein) failed to serve the legal heirs of respondent No.1 therein, who had expired in the year 2000.

To substantiate his contention, counsel for respondent No.3 – BBMB, has produced the net generated copy of order dated 06.12.2023, passed in CWP-14601-1997 (O&M). Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

5. Besides, for convenience, order dated 06.12.2023, passed in CWP-14601-1997 (O&M), is also reproduced here-under:-

“
CWP-14601-1997 (O/M)
Date of decision : 06.12.2023

Bhakra Beas Management Board and another *Petitioners*

Versus

Kalyan Singh and others *Respondents*

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Abhaj Josan, Advocate for
Mr. Karan Nehra, Advocate
for the petitioners.

*Ms. Tuneet Walia, Advocate
for respondent No. 3.*

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HARSH BUNGER, J. (ORAL)

1. *The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of certiorari, mandamus for quashing order dated 30.04.1997 (Annexure P-7), passed by the Industrial Tribunal-cum-Labour Court, Jalandhar under Section 33-C(2) of the Industrial Tribunal Act, 1947 (hereinafter referred to as '1947 Act').*

2. *On 24.11.2017, the following order was passed :-*

“ This is an application for modification of order dated 07.10.2017. Heard. In view of the reasons mentioned in the application and affidavit same is allowed so also it is a fact that respondent No. 1 died in the year 2000. Therefore, question of taking fresh steps of service of notice to respondent No. 1 through paper publication do not arise. Therefore, petitioners intend to bring their legal representative on record. Accordingly, necessary action be taken by the petitioner. Hence, order dated 07.10.2017 is recalled. Petitioner is permitted to take necessary steps to serve copy of the writ petition/notice to the legal heirs of respondent no. 1 within a period of 8 weeks from today.”

2. *The matter was earlier taken on 07.11.2023, however, there was no representation on behalf of parties. Accordingly, the matter was adjourned for today and Registry was directed to inform the counsel of respective parties.*

3. *Today, Mr. Abhaj Josan, Advocate (for Mr. Karan Nehra, Advocate) appeared and submitted that order dated 24.11.2017 has not been complied with as they have not been able to locate/ascertain legal heirs of respondent No. 1.*

4. *In view of aforesaid submission, the instant writ petition is dismissed on account of non compliance of order dated 24.11.2017, passed by a coordinate Bench of this Court.*

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

**(HARSH BUNGER)
JUDGE**

06.12.2023 ”

6. Thus, counsel for respondent No.3 – BBMB, submits that once BBMB itself has failed to find out any detail of the legal heirs of respondent No.2 – Kalyan Singh (workman), there is no possibility with the petitioner – PSEB also, to find out any clue of the legal heirs of respondent No.2 – workman.

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Upon this, counsel appearing for the petitioner – PSEB, submits that he is not in a position to rebut the contention of respondent No.3 – BBMB, therefore, on the basis of order dated 06.12.2023 passed by this Court in CWP-14601-1997 (O&M), let present writ petition be also disposed of. However, he be granted liberty to seek revival of the present writ petition within some specified time, in case, he succeeds to find out the details and particulars of legal heirs of respondent No.2 – Kalyan Singh (workman).

7. In view of the above and after hearing both the sides, present writ petition is **disposed of for want of prosecution.**

However, liberty is granted to the petitioner – PSEB, to seek revival of the present writ petition, by moving an appropriate application, within a period of three months from today, in case, the petitioner – PSEB, succeeds in getting the whereabouts of legal heirs of respondent No.2 – Kalyan Singh (workman).

(SANJAY VASHISTH)
JUDGE

April 09, 2024

J.Ram

Whether speaking/reasoned: ✓ *Yes/No*

Whether Reportable: ✓ *Yes/No*