

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15232-1997
DECIDED ON: 01.03.2024

UNION OF INDIAPETITIONER
VERSUS
DALBIR SINGH ETCRESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: None for the petitioner.

Ms. Anamika Sheoran, Advocate for
Mr. Vikas Singh, Advocate
for respondent No.1.

SANJAY VASHISTH, J (ORAL)

1. On 20.02.2024, following order was passed:-

“Present: None for the petitioner(s).

Mr. A.S. Pannu, Advocate for
Mr. Vikas Singh, Advocate,
for respondent No.2.

1. By way of present writ petition, petitioner – Union of India, through Deputy Chief Engineer (Bridges) Northern Railway, Jalandhar Cantt., has challenged, the order dated 05.01.1995 (Annexure P-1), whereby, application No.150/1988, filed by respondent No.1 – Dalbir Singh, under Section 33-C(2) of the Industrial Disputes Act, 1947 (in short, ‘ID Act’), for claiming an amount of Rs.52,500/-, was dealt with. However, learned Labour Court, accepted the claim to the extent of Rs.26,250/-. The relevant observation made in paragraph Nos. 7 & 8, made as under:-

“7. In the witness box the applicant deposed that he joined the service of the respondent on 8.8.1978 as Khalasi on total salary of Rs. 700/- p.m. Hew as suspended on 1.10.1981 and remained under suspension upto 26.2.1982. In cross-examination, he admitted that he was convicted and sentenced by the Court. He denied the suggestion that hew as dismissed from service on 26.2.1982. MW1 Kishen Lal Clerk of the respondent deposed that the last pay drawn by the applicant was Rs. 700/- p.m. but on his conviction by the Sessions court, he was dismissed from services. However, the witness stated, the order of dismissal of the workman was not traceable. From the above facts, it becomes clear that the applicant was suspended from service w.e.f. 1.10.1981; that the last pay drawn by him was Rs. 700/-p.m, and that

hew as dismissed from service on account of his conviction. However, the date of dismissal of the applicant has not been proved by the respondent. Assuch, the applicant is entitled to the suspension allowance for the period after 26.2.1982 till the date of the application i.e. 3.6.1983. He was getting Rs. 700/- p.M. as his total pay. Hewas entitled to half of that amount as suspension allowance i.e. Rs.350/-p.m. This would come to Rs.26,250/-. This issue is decided accordingly. Relief. 8. In the result I award Rs.26,250/- to the applicant as suspension allowance against the respondent. The applicant would now be deemed to have been dismissed from service w.e.f. 3.6.1988 i.e. date of his application and when the respondent confronted him the fact of dismissal from service. He will not be entitled to anything from the respondent for the period after 3.6.1988.”

2. *Counsel appearing on behalf of respondent No.1 informs that vide order dated 17.08.1998, payment of said amount was stayed by this Court.*

3. *This Court finds that after the stay order, none appeared on behalf of the petitioner on 16.09.2016, 07.11.2016, 16.12.2016, and 31.03.2017 (on call given by the Bar).*

4. *Thereafter, on 26.04.2017, Mr. Lakhinder Singh, Advocate, appeared on behalf of the petitioner, and sought adjournment to look into the brief, as the matter being an old one.*

5. *Today again, there is no representation on behalf of the petitioner.*

Let notice be issued to the petitioner (UOI) for 01.03.2024.

(SANJAY VASHISTH)
JUDGE

February 20, 2024.”

2. As per office report, due information has already been forwarded to the office of the Union of India, Additional Solicitor General of India. Still, there is no representation on behalf of the petitioner.

3. Accordingly, present writ petition stands dismissed for want of prosecution.

4. However, liberty is granted to the petitioner to move an appropriate application for seeking revival of the present writ petition,

within eight weeks from today, in case, any substantive issue still exists along with a cause of action to the petitioner.

5. Registry is directed to forward copy of the today’s order at the address of the petitioner and respondent No.1, mentioned in the writ petition.

01.03.2024
Lavisha

(SANJAY VASHISTH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>