

CWP-2337-1997 (O&M)

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

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CWP-2337-1997 (O&M)

Decided on : 30.01.2024

M/s Usha Corporation

. . . Petitioner(s)

Versus

The Presiding Officer,
Labour Court, Amritsar and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner(s).

None for respondent No.2.

SANJAY VASHISTH, J. (Oral)

1. Present writ petition has been filed by the petitioner – M/s Usha Corporation, 28 years back, challenging the award dated 04.04.1996, passed by the learned Presiding Officer, Labour Court, Amritsar, whereby, reference No.89/1994, under Section 10(1)(C) of the Industrial Disputes Act, 1947 (for brevity, 'ID Act'), was answered in favour of respondent No.2 – Ram Jage (workman).

Learned Labour Court held that the termination of the workman from his services, is illegal, null & void. Resultantly, there was a direction for reinstatement with continuity of service along with full back-wages.

2. On 18.02.1997, while issuing notice of motion, operation of the impugned award dated 04.02.1996 (Annexure P-3) was stayed and record of the Labour Court was also called for.

Subsequent thereto, without saying anything about the status of the stay order, writ petition was admitted vide order dated 09.09.1997.

3. Respondent No.2 – workman, never appeared to join the

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proceedings before this Court. Rather, on 10.04.1997, respondents were proceeded against *ex-parte*. On 05.12.2016, present writ petition was listed before the learned Daily Lok Adalat of this High Court also. The difficulty faced by the learned Lok Adalat was penned down, and the same is reproduced here-under:-

“Daily Lok Adalat**Bench No.2****502****CWP No.2337 of 1997*****M/s. Usha Corporation Vs. The P.O., Labour Court, Amritsar and anr.******Present: None for the petitioner.******Mr.K.R.Dhawan, Advocate,
for respondent No.2.******* * * ****

As per office report, letter issued to learned counsel for the petitioner has been received back with the report, “provide room no. And phone No. of learned counsel.” Notice issued to the petitioner has been received back unserved with the report that address is incomplete. Notice issued to respondent No.2 also received back with the report that the office, through whom respondent No.2 was impleaded, has already been closed.

It has been stated by learned counsel for respondent No.2 that he is not in contact with respondent No.2 and he is also not having address of respondent No.2 as he was appointed as lawyer in this case by Punjab Legal Services Authority and that he had also written several letters to respondent No.2. However, nobody responded.

In view of the same, there is no possibility of compromise in this case in Lok Adalat. Hence, we have no option but to send the matter back to the Hon'ble High Court for adjudication.

***(R.K.Nehru)
President*****05.12.2016*****(Ram Chand Gupta)
Member”***

4. Even today, there is no change in the circumstances, as it is same, as expressed by the learned Daily Lok Adalat, in its order dated 05.12.2016. No one is present from either side. This Court is of the view

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that no purpose would be served by keeping the present writ petition pending before this Court, once there is no representation for a long time from either side.

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

However, it is observed that, if any, substantial cause of action survives, either of the parties, may move an appropriate application for seeking revival of the present writ petition, within a period of eight weeks from today.

(SANJAY VASHISTH)
JUDGE

January 30, 2024
J.Ram

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