

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3709-1997
DECIDED ON: 23.01.2024

BAL KRISHAN & ORS

..... PETITIONERS

STATE OF HRY. & ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: None for the petitioners.

Mr. P.K. Mutneja, Advocate with
Ms. Suverna Mutneja, Advocate
Mr. V.S. Mahal, Advocate
for respondent No.3.

Mr. Satish Singla, AAG, Haryana.

SANJAY VASHISTH, J (ORAL)

All the 10 petitioners in the present writ petition have challenged the order dated 08.07.1996 passed by respondent No.2/Arbitrator-cum-Deputy Commissioner, Sonapat, whereby, while disposing of the reference made to him under Section 10-A (3) of the Industrial Disputes Act 1947, claim of the workmen was dismissed.

In the impugned award, there is a specific observation as under:-

“The workmen failed to come and mark their attendance regularly during the period of their suspension, which is sufficient to presume that they have abandoned their job. The second party could prove that they have issued several notices to the workmen (first party). The workmen failed to prove that their services were terminated illegally.”

Counsel appearing on behalf of respondent No.3 informs the Court that relief claimed in the writ petition may not even survive for the petitioners because as per information received by him, owner of respondent No.3 i.e. M/s Avon Scales Company, having its Office at C-33, Industrial Area, Sonapat, through Shri Pritam Lal, its registered partner, Pritam Lal has expired.

On the other hand, it is noticed that the dispute pertains to the period of the year 1995-1996 and present writ petition is lying pending, since 1997.

Even today, there is no one present on behalf of the petitioners to assist the Court, despite information sent by the Registry.

Therefore, it appears that with the efflux of time, either no cause of action survives or the petitioners have lost their interest in the present petition.

In the facts and circumstances as explained and recorded herein, present petition stands dismissed for want of prosecution.

However, liberty is granted to the petitioners to move an appropriate application for its revival, within a period of 8 weeks from today, in case, any cause of action survives for the said adjudication.

Disposed of.

23.01.2024
mahima

(SANJAY VASHISTH)
JUDGE

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