

CWP-6898-1998

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

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Decided on : 15.03.2024

Ramesh Chand

... Petitioner(s)

Versus

Presiding Officer, Industrial Tribunal-cum-
Labour Court, Panipat and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner(s).

Mr. Kartikey Chaudhary, Advocate for
Mr. Samrat Malik, Advocate
for respondent No.2.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Ramesh Chand (workman), has filed the present writ petition, assailing the award dated 12.11.1997 (Annexure P-5), whereby, Reference No.252 of 1988 (should be 1998), under Section 10(1) (c) of the Industrial Disputes Act, 1947 (in short, ‘ID Act’), has been answered against him, by observing that the workman failed to prove that he has worked for 240 days in the preceding one year of his termination, and therefore, workman cannot be held entitled for any relief under Section 25-F of the ID Act.

2. As per the facts detailed in the award impugned herein, workman joined as ‘Peon’ with respondent No.2 (Janta High School, Ganaur) on 15.09.1986, thereafter, worked up-till 20th April, 1987. Reference was answered vide impugned award dated 12.11.1997 (P-5), and thereafter, writ petition is pending for adjudication before this Court since the year 1998.

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3. Today, while looking at the pleadings raised in the present writ petition, this Court wanted to issue notice to the petitioner – workman, because, no one has appeared on his behalf. But, counsel for respondent No.2, points out that the same effort has already been done by the Permanent Lok Adalat of this Court, and regarding that there is an order dated 21.10.2016, available in the case file, passed by the Permanent Lok Adalat.

4. Counsel for respondent No.2 further submits that petitioner is not found to be residing at the address given in the memo of parties, and in this regard, order dated 07.12.2016, passed by the Permanent Lok Adalat of this Court, is reproduced here-under:-

“Present: None for the petitioner.

None for respondent No.2.

* * * *

As per office report, notice issued to the petitioner has been received back unserved with the report, “Do not reside on given address.” None has come present on behalf of respondent No.2 Hence, there is no possibility of compliance in this case in Lok Adalat. The same is sent back to the Hon’ble High Court for adjudication.”

5. In view of the circumstances, explained herein-above, this Court is unable to proceed with the writ petition. Otherwise also, until someone appears on behalf of the petitioner to assist the Court, the issue raised in the present writ petition cannot be adjudicated at this stage. Moreover, this Court is unable to comprehend whether any substantial cause or issue is still pending for adjudication or not with the efflux of time.

6. **Dismissed for want of prosecution.**

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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.

(SANJAY VASHISTH)
JUDGE

March 15, 2024

J.Ram

Whether speaking/reasoned: ✓ *Yes*/~~No~~

Whether Reportable: ~~Yes~~/No ✓