

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CWP-9419 of 1998
Date of Decision: 22.03.2024

Ram Bahadur

.... Petitioner

Versus

Industrial Tribunal-cum-Labour Court, Faridabad and ors

....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: None for the petitioner.

Mr. P.K. Mutneja, Sr. Advocate with
Mr. Gurnam Singh, Advocate
for respondents No. 2 and 3.

SANJAY VASHISTH, J.(Oral)

1. As per office report, learned counsel for the parties have been informed about the date fixed before this Court.
2. Petitioner-Ram Bahadur, has filed the present writ petition, by challenging the impugned award dated 20.02.1997 (Annexure P-11), whereby reference No. 95 of 1991 has been answered against him.
3. Learned Labour Court recorded its findings that termination of the petitioner-workman cannot be termed as retrenchment and therefore, provision of Section 25 F of the Industrial Disputes Act, 1947 was not attracted.

4. It has been further observed that the employment of the petitioner was contractual in nature, thus, same falls under Section 2(oo) (bb) of the Act, 1947. After completion of the contract, service of the petitioner was not revived. The action of termination, which took place in November, 1990 was in question and the present writ petition is pending before this Court since the year 1998.

5. Despite being informed, no one has appeared on behalf of the petitioner. In the absence of the petitioner, this Court is unable to decide, as to whether, with the afflux of time, any substantial issue for its adjudication, survives or not.

6. This Court is left with no other option except to dismiss the petition for want of prosecution. Therefore, the present writ petition is dismissed for want of prosecution.

7. However, liberty is granted to the petitioner to move an appropriate application for seeking revival of the present writ petition with the preparation to argue the matter within eight weeks from today, in case any substantive issue still exists alongwith a cause of action to the petitioner.

March 22, 2024
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no