



203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9751-2022 (O&M)
Date of Decision: 26.09.2024

RAJNISH CHOPRA @ RAJNEESH CHOPRA Petitioner

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL CUM LABOUR
COURT PANIPAT AND ORS Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Deepak Girotra, Advocate with
Ms. Nirmala, Advocate
for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 26.02.2016 (Annexure P-15) whereby Labour Court has answered the reference in favour of the workman.

2. Learned counsel for the parties are *ad idem* that impugned award was passed *ex parte*.

3. Mr. Vikas Bali, Advocate for the petitioner submits that petitioner could not join the proceedings as respondent had filed multiple cases against him and he was occupied in facing criminal cases. Thus, he could not put forth his stand. He should be granted an opportunity to put forth his stand.

4. Mr. Deepak Girotra, Advocate for respondent No.2 submits that impugned award was passed in 2016, thus, at this belated stage, it

may not be justified to remand the matter back to Labour Curt.

5. From the perusal of record, it is evident that respondent had filed multiple cases against the petitioner including criminal cases. The complaint filed before the Police Authorities as well as Court stands dismissed. The workman has also approached authorities under Payment of Wages Act, 1936. There seems contradiction in the documents and claim made by workman before different forums, thus, petitioner deserves to be heard and matter needs to be re-adjudicated. Accordingly, the instant petition is allowed by way of remand to Labour Court. The parties are directed to appear before the Labour Court on 04.10.2024 at 10.00 A.M. and thereafter as directed by said Court. The Labour Court is requested to expedite the matter.

6. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

26.09.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>