

CM-3671-CWP-2023 IN/AND
CWP-14374-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105+274-3

CM-3671-CWP-2023 IN/AND
CWP-14374-2021
Decided on : 07.03.2024

Bhupesh Singla @ Bhavesh Singla

. . . Petitioner(s)

Versus

The Presiding Officer, Industrial Tribunal,
SAS Nagar, Mohali and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sunny K. Singla, Advocate
for the petitioner(s).

Mr. Sunil Kumar Rana, Advocate (Legal Aid Counsel)
for respondent No.2.

Mr. Abhilaksh Gaiind, Advocate and
Mr. Rakesh Roy, Advocate
for respondent No.3.

SANJAY VASHISTH, J. (Oral)

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I. This is an application filed under Section 151 CPC, for placing on record the accompanying short reply by way of affidavit of Executive Engineer, Municipal Council, Amloh.

II. Allowed as prayed for. Short reply on behalf of respondent No.3 by way of affidavit of Executive Engineer, Municipal Council, Amloh, filed along with application, is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Copy thereof has already been supplied to the opposite counsel.

CM stands disposed of.

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1. Petitioner – Bhupesh Singla @ Bhavesh Singla (being Management) has filed the present writ petition, by challenging the award dated 18.11.2019 (Annexure P-4), wherein, Reference No.199 of 2016, filed by respondent No.2 – Surinder Pal Babba (workman), under Section 10(1) (C) of the Industrial Disputes Act, 1947 (in short, ‘ID Act’), has been allowed, by granting following relief:-

“RELIEF

19. *In view of my above discussion, reference is answered in favour of the workman and against the respondent No. 1 holding that termination of services of the workman by the respondent No. 1 were illegal and improper and he is entitled for reinstatement without any back wages with continuity of service and compensation amounting Rs.60,000/- Respondent No. 1 is directed to reinstate the workman with continuity of the service forthwith and pay the compensation within a period of one month from the date of publication of this award, failing which he is entitled to claim an interest @ 7% per annum from the date of this award till actual realization. The workman is directed to report for duty within thirty days from the date of publication of this award. Claim of the workman against Respondent No.2 stands dismissed. There is no order as to costs.”*

2. Besides, there is challenge to the order dated 01.11.2018 (Annexure P-3), whereby, respondent No.2 – Contractor Bhupesh Singla (petitioner herein), was proceeded against *ex-parte*.

Thus, the order, by which, the contractor (petitioner herein) was proceeded against *ex-parte*, and the *ex-parte* award dated 18.11.2019 (P-4), both have been challenged by the petitioner before this Court.

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3. Admittedly, order dated 01.11.2018 (P-3), by which, petitioner was proceeded against *ex-parte*, has not been assailed before the learned Industrial Tribunal, at the first instance. Therefore, counsel for the petitioner prays for withdrawal of the present writ petition with liberty to challenge the order dated 01.11.2018 (P-3), at the first instance before the learned Industrial Tribunal, so that the correctness of the order passed by it, can be examined by the same Court, which passed the order for proceeding against *ex-parte*.

4. Dismissed as withdrawn, with liberty as sought and recorded here-above.

(SANJAY VASHISTH)
JUDGE

March 07, 2024

J.Ram

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