

CM-3905-CWP-2023 IN/AND
CWP-14377-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105+274-4

CM-3905-CWP-2023 IN/AND
CWP-14377-2021
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. Pranav Chamoli, 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 28.11.2019 (Annexure P-3), whereby, Application No.197/2016, filed by respondent No.2 – Darshan Singh (workman), under Section 33-C(2) of the Industrial Disputes Act, 1947 (in short, ‘ID Act’), has been allowed, by granting following relief:-

“RELIEF

28. *In the light of my findings on the above issues, claim application under Section 33(C)(2) of the Industrial Disputes Act, 1947 is hereby partly allowed and the applicant is entitled to receive wages for period w.e.f. 01-07-2014 to 31-05-2015 i.e. Rs.62,480/- from respondent No.2 and remaining wages w.e.f. 01-06-2015 to 04-03-2016 i.e. Rs.50,817/- from respondent No.3 i.e. in total Rs.1,13,297, Bonus w.e.f. 01-10-2013 to 31-05-2015 amounting Rs.10,411/- from respondent No.2 and w.e.f. 01-06-2015 to 04-03-2016 from respondent No.3 i.e. amounting Rs.4684/- i.e. in total 15,095/- and earned leave for 30 days amounting Rs.6248 from respondent No.2 and for 14 days amounting Rs.2915 from respondent No.3 in total amounting Rs.9163/- total in all amounting Rs.1,37,555/- with interest @ 9% from the date of filing of this application till the date of order and 6% interest from the date of order till actual realisation. The claim of the applicant with regard to notice pay and retrenchment compensation fails and the same stands dismissed. There is no order as to costs.”*

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

Thus, the order, by which, the contractor (petitioner herein) was

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proceeded against *ex-parte*, and the *ex-parte* award dated 28.11.2019 (P-3), both have been challenged by the petitioner before this Court.

3. Admittedly, order dated 01.11.2018 (P-2), 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-2), 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