



[326] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3229-2024
Date of Decision : 31.07.2024

M/s New Majha Transport Co. (Regd.) ...Petitioner

versus

Gurbachan SinghRespondent

Coram : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Dinesh Mahajan, Advocate for the petitioner.

PANKAJ JAIN, J. (ORAL)

[1] This is a revision petition filed under Article 227 of the Constitution of India, impugning order dated 03.04.2023 (Annexure P-2) as well as order dated 08.09.2023 (Annexure P-4) passed by the Industrial Tribunal-cum-Labour Court, Amritsar, whereby, the petitioner has been proceeded *ex parte*.

[2] Respondent-workman filed application under Section 33-C(2) of the Industrial Disputes Act, seeking recovery of arrears of salary relying upon the notification issued by the State under Minimum Wages Act.

[3] On 03.04.2023, none appeared on behalf of the petitioner-employer. The Tribunal, Amritsar, ordered that the employer is proceeded *ex parte*. Application was filed for setting aside *ex parte* order. However, when the application was fixed for filing reply of the same, then employer



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again failed to appear and the application stands dismissed for non-appearance. Both the orders are under challenge.

[4] Notice was issued to the workman.

[5] As per the office report, respondent has been served through his brother. However, none has appeared.

[6] Keeping in view the aforesaid circumstances, this Court deems it appropriate to pass the following order:-

(i) That the orders (Annexures P-2 and P-4) passed by the Industrial Tribunal i.e. dated 03.04.2023 and 08.09.2023 are hereby ordered to be set aside.

(ii) Petitioner is allowed to participate in the proceedings. However, subject to payment of Rs.15,000/- as costs, to be paid to the workman.

[7] Tribunal is directed to decide the application filed by the workman under Section 33-C(2) of the Industrial Disputes Act expeditiously, preferably within a period of 09 months from the date of receipt of the order.

[8] The petitioner undertakes not to dealy the trial and not to commit any default in appearance in future. The petitioner shall remain bound by his undertaking submitted before this Court through his counsel.

[9] In view of the above order, the present revision petition is



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[10] Petitioner shall tender the costs awarded to the workman on the next date of hearing before the Tribunal.

(PANKAJ JAIN)
JUDGE

31.07.2024
'R. Sharma'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>