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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-13948-2014

Date of Decision: 30.08.2024

M/S MANPREET AIR-CONDITIONING PVT LTD

..... Petitioner

Versus

**PRESIDING OFFICER INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT AND ORS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Rajiv Sharma, Advocate
for the petitioner.

Mr. Saksham Mahajan, Advocate
for respondent No.3.

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 04.04.2014 (Annexure P-12) whereby Labour Court has answered the reference in favour of the workman-respondent.

2. The petitioner is a private limited company and respondent No.2 is a workman. The respondent No.3 is also a limited company. The workman before the Labour Court claimed that is an employee of respondent No.3 whereas petitioner claimed that workman is their employee. The petitioner asked the workman to join, however, workman insisted that he would join respondent No.3 because he is employee of respondent No.3. The Labour Court by impugned award has ordered to reinstate the workman with 40% back wages with petitioner.

3. The operation of impugned order was stayed vide order



dated 21.07.2014. Learned counsel for the workman appeared on 30.01.2020. Neither before the said date nor thereafter there is representation on behalf of the workman. The petitioner as well as respondent No.3 are claiming that workman is not in their contact and they do not have his present address.

4. The workman is answering respondent and he is not coming forward. The award was passed in his favour. It would not be just and fair to pass any order in his absence.

5. In these circumstances, this Court finds it appropriate to dispose of the petition with liberty to parties to move an appropriate application, if cause survives or workman comes forward or petitioner gets his address.

(JAGMOHAN BANSAL)
JUDGE

30.08.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>