

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

2024.PHHC:107561-DB



LPA-1541-2024 (O&M)
Date of decision: 21.08.2024

M/S SHREE CEMENT LTD. & ORS.

..Appellants

Versus

SANJAY KUMAR AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Randhir S. Hooda, Advocate
for the appellant.

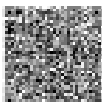
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SHEEL NAGU, C.J. (Oral)

1. The present intra Court appeal has been filed against an order dated 02.05.2024, passed by learned Single Judge in CWP-16709-2015, titled as Sanjay Kumar Vs. M/s Shree Cements Ltd. and others, remanding the case back to the Labour Court to re-decide the reference in accordance with law.

2. The learned Single Judge was adjudicating the validity and legality of an award dated 04.02.2015 in two petitions, one filed by the workman and the other by the management.

3. Grievance as projected by learned counsel appearing on behalf of the employer-appellant is that the learned Single Judge remanded the matter to the Labour Court to re-decide the reference No.412 of 2010 in accordance with law and while doing so kept all questions of fact and law open to be adjudicated by the Labour Court afresh. However, while doing so, certain findings have been recorded in para 7 of the impugned judgment, which according to learned counsel for the appellants, may come in the way of the Labour Court while deciding the matter afresh.



4. This Court is of the considered view that since the matter was remanded to the Labour Court, the learned Single Judge ought not to have rendered any finding lest it may prejudice the Labour Court.
5. Moreso, the remand was made not on any specific point but to allow the parties to re-agitate the matter afresh.
6. In view of above, this Court instead of issuing notice in the present case, disposes of the same with direction to Labour Court that while readjudicating the matter on remand shall do so without being uninfluenced by any findings rendered by the learned Single Judge vide impugned order dated 04.02.2015.
7. All the pending miscellaneous applications, if any, are also disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

August 21st, 2024
Ay

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