

210 RA-CW-283-2024 in CWP-15313-2000

**KURAR COOPERATIVE AGRICUTURAL SERVICE
SOCIETY LTD.
VS
STATE OF PUNJAB AND ORS.**

Present: Mr.Akhil Kashyap, Advocate
for the applicant/petitioner.

Mr. D.S.Lamba, DAG, Punjab.

Mr. Raj Kaushik, Advocate for respondent No.4.

The writ petition bearing No.CWP-15313-2000 was disposed of vide order dated 06.05.2024.

Thereupon, a review application (RA-CW-283-2024) was filed by the petitioner-Management and notice was issued in the said review application/petition on 12.07.2024. Order says as under:-

"1. Present review application has been filed by the applicant/petitioner – Society, seeking review of the order dated 06.05.2024, passed by this Court in the writ petition i.e. CWP-15313-2000, vide which writ petition had been dismissed.

*2. Without disputing the proposition of law laid down by Hon'ble the Apex Court in the case of **M/s Avon Services Production Agencies (P) Ltd. vs. Industrial Tribunal, Haryana, and others 1979 AIR (SC) 170**, counsel for the applicant-petitioner (society) submits that entertaining the industrial dispute and making it as a reference for adjudication to the Labour Court at second instance, or by reconsideration of the demand notice, is not disputed. However, while reconsidering the plea of the workman on second occasion, opportunity of being heard was required to be given to the applicant-petitioner (society). This aspect has not been answered by the Court in its order dated 06.05.2024, while dismissing the writ petition.*

*3. Further submits that in the case of **Escorts Limited***

Faridabad vs. Industrial Tribunal Haryana, 1982 SCC Online P&H 239, in which finding recorded by the Full Bench decision in the case, titled as, “Muthukrishnan (G.) vs. New Horizon Sugar Mills (Private) Limited, Pondicherry(1980–II L.L.N.70)”, passed by Hon’ble Madras High Court, has been followed. Thus, prays for reviewing of the order dated 06.05.2024.

4. Thus, submits that there being no discussion in the order dated 06.05.2024, on the point that as to whether the employer/petitioner – society in the present case, requires to be given opportunity of hearing or not, same requires to be reviewed.

5. Notice in the application, to the non-applicants/respondents.

6. Mr. Puru Jarewal, Asst. AG Punjab, accepts notice on behalf of respondent Nos.1 to 3, and Mr. Raj Kaushik, Advocate, Mr. Piyush Aggarwal, Advocate, accept notice on behalf of respondent No.4, and pray for grant of some time to assist the Court.

7. Let notice be also issued to Mr. M.K. Dogra, Advocate, who argued for the petitioner, for the purpose of providing assistance to the Court, for 25.09.2024.

(SANJAY VASHISTH)
JUDGE

July, 12, 2024”

Thereafter, on 08.11.2024, the following order was passed:-

"On 25.09.2024, this Court has passed following order:-

RA-CW-283-2024

in CWP-15313-2000

**KURAR COOPERATIVE AGRICULTURAL SERVICE
SOCIETY LTD. V/S STATE OF PUNJAB AND OTHERS**

:-

*Present: Mr. M.K. Dogra, Advocate, and
Mr. Akhil Kashyap, Advocate,
for the applicant.*

Mr. D.S. Lamba, DAG, Punjab.

*Mr. Raj Kaushik, Advocate, Advocate,
for respondent No.4.*

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Counsel for the non-applicant/respondent No.4 points out that present application filed by the applicant/petitioner is not maintainable, because there is no authority given in the resolution dated 07.05.2024, which has been appended with the same.

Counsel for the applicant/petitioner prays for grant of one opportunity to produce the fresh resolution in support of filing of the present review application.

Adjourned to 10.12.2024.

**(SANJAY VASHISTH)
JUDGE**

September 25, 2024”

Through application i.e. CM-17495-CWP-2024, applicant/appellant has prayed for placing on record the fresh resolution dated 27.09.2024. Same is taken on record. Registry is directed to tag the same at the appropriate place on the file.

CM stands disposed of.

CM-17494-CWP-2024

Present application has been moved by the applicant/appellant seeking preponement of the date of hearing of the main appeal.

Since, there is nothing substantial to prepone the date of hearing in the main case, present application stands dismissed.

**(SANJAY VASHISTH)
JUDGE**

November 08, 2024”

Today, learned counsel for the parties are ad idem to the fact that the main dispute has also been amicably resolved between the parties and therefore, counsel for the applicant/petitioner-Management wants to withdraw the present review application. Learned counsel for the applicant/petitioner has produced the photostat copy of the statement got recorded by the workman during the

reference proceedings before the Labour Court, Patiala in reference No.664/1999. The same is taken on record. Registry to tag the same at an appropriate place.

3. On account of an amicable settlement, learned counsel for the applicant/petitioner seeks to withdraw the present review application.
4. Dismissed as withdrawn.
5. Ordered accordingly.

(SANJAY VASHISTH)
JUDGE

10.12.2024
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