

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217 CWP-22482-2015 (O&M)
Date of Decision: 21.02.2024

UNION OF INDIA AND ORS Petitioners

Versus

PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT AND ANR
....Respondent

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Somesh Gupta, Senior Panel Counsel
for the petitioner.

Mr. Sohan Singh Rana, Advocate for respondent No.2.

SANJAY VASHISTH, J.(Oral)

1. Petitioners (Northern Railway) has filed the present writ
petition by assailing the ex parte award dated 19.01.2015 (Annexure
P-8), passed by respondent No.1-Industrial Tribunal-cum Labour
Court.

2. Respondent No.2-Santosh Kumar (workman) pleaded
that he was working with the Management from 01.09.1985 and his
services were terminated on 19.12.2000, wrongly, illegally, arbitrarily
without fair and proper enquiry. It was also pleaded that no
compensation or opportunity to lead defence was granted to the
workman. Neither proper enquiry was conducted ,nor any enquiry
report was ever supplied to him, despite rendering of 15 years of

service, thus, workman prayed for reinstatement of his service with full back wages.

3. It has been noticed in the award that Management appeared on 25.07.2013 through Sh. Braham Singh, Senior Clerk and Sh. Deepak Verma, IWO, thereafter, stopped appearing and never contested the proceedings before the Labour Court. On the basis of the one sided evidence i.e. of the workman, the claim statement , affidavit of the workman and written arguments, Labour Court reached to the conclusion that the termination of workman is against the law, therefore, he be reinstated within one month from the date of publication of the award. However, workman was not held entitled for any back wages, thus, the Management has assailed the order passed by learned Labour Court.

4. There is nothing available on the record as to why the petitioner failed in pursuing the proceedings before the Labour Court and why no effort has been made for challenging the order, vide which, petitioner-management was proceeded against ex parte.

5. This Court further notices that in the present writ petition also, the Management has neither pointed out the ex parte order was passed by Labour Court, nor the same has been assailed before this Court.

Thus, in the backdrop of the aforementioned circumstances, this Court is unable to disturb the findings recorded by

the Labour Court, accordingly, the present writ petition is hereby dismissed.

6. Needless to say that, the interim stay order dated 22.01.2016 passed by this Court, whereby operation of the impugned order was stayed, subject to compliance of provisions of Section 17-B of the Industrial Disputes Act, 1947, would not be of any consequence now onwards.

February 21, 2024	[SANJAY VASHISTH]
<i>rashmi</i>	JUDGE
Whether speaking/reasoned	yes/no
Whether reportable?	yes/no