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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17868-2020 (O&M)
Date of Decision:30.09.2024

CIVIL HOSPITAL SUNAM, PUNJAB Petitioner

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL PATIALA
AND OTHERS Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Varun Garg, Advocate
for the petitioner (Through V.C.).

Mr. Aman Dhir, DAG, Punjab.

Mr. Ravi Gakhar, Advocate
for respondent No.4 (iii).

JAGMOHAN BANSAL, J. (Oral)

1. Mr. Ravi Gakhar, Advocate has put in appearance on behalf of respondent and filed his memo of appearance. The same is taken on record. Registry is directed to tag the same at an appropriate place.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 26.02.2000 (Annexure P-1) whereby Labour Court has awarded compensation of Rs.59,164/- to the workman.

3. The petitioner is assailing order of Labour Court on the ground that it is an *ex-parte* award. The workman claimed that he was paid wages during February' 2019 to August' 2019 at the rate lower than D.C. rates. The workman claimed outstanding dues Rs.59,164/-.

4. Mr. Varun Garg, Advocate for the petitioner submits that it is an *ex-parte* award. The petitioner did not get opportunity to put forth



its stand.

5. Mr. Ravi Gakhar, Advocate for respondent submits that workman has passed away and grievance of LRs would be redressed, if they are paid principal amount without interest within 2 months from today.

6. This Court finds genuineness in the submission of the workman. Considering the fact that workman has passed away; the amount involved is Rs.59,164/-; the LRs of workman have agreed to waive of their claim *qua* interest and judgment of Supreme Court in ‘*Central Council for Research in Ayurvedic Sciences and another v. Bikartan Das and others, 2023 SCC OnLine SC 996*’, this Court does not find it appropriate to set aside the impugned order because it would entail recommencement of proceedings before the Labour Court. The present petition stands disposed of with a direction to petitioner to pay a sum of Rs.59,164/- within 2 months from today, failing which it would be liable to pay interest @ 9% per annum from the expiry of said period.

8. Pending misc. application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

30.09.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>