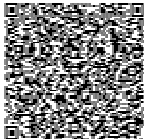


2024:PHHC:164223



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240 (14 cases)

CWP-21610-2017 (O&M)
Date of Decision : 10.12.2024

MANAGER, M/S LORD KRISHNA STEEL UDYOG

.... PETITIONER

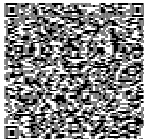
V/S

PRESIDING OFFICER LABOUR CUM INDUSTRIAL TRIBUNAL,
FARIDABAD AND OTHERS

.... RESPONDENTS

Sr. No.	Case No.	Parties Name
2.	CWP-21654-2017 (O&M)	MANAGER, M/S LORD KRISHNA STEEL UDYOG V/S PRESIDING OFFICER LABOUR CUM INDUSTRIAL TRIBUNAL FARIDABAD AND ORS
3.	CWP-21658-2017 (O&M)	MANAGER, M/S LORD KRISHNA STEEL UDYOG V/S PRESIDING OFFICER LABOUR CUM INDUSTRIAL TRIBUNAL FARIDABAD AND ORS
4.	CWP-21805-2017 (O&M)	MANAGER, M/S LORD KRISHNA STEEL UDYOG V/S PRESIDING OFFICER LABOUR CUM INDUSTRIAL TRIBUNAL FARIDABAD AND ORS
5.	CWP-29990-2017	M/S KRISHNA STEEL UDYOG PVT LTD V/S TEJ NARAIN AND OTHERS
6.	CWP-23218-2017	MANAGER M/S LORD KRISHNA STEEL UDYOG V/S PRESIDING OFFICER LABOUR CUM INDUSTRIAL

2024:PHHC:164223



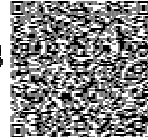
		TRIBUNAL FARIDABAD AND ORS.
7.	CWP-21830-2017 (O&M)	MANAGER M/S LORD KRISHNA STEEL UDYOG V/S PRESIDING OFFICER LABOUR CUM INDUSTRIAL TRIBUNAL FARIDABAD AND ORS.
8.	CWP-29991-2017	M/S KRISHNA STEEL UDYOG PVT LTD V/S ALOK KUMAR AND OTHERS
9.	CWP-23215-2017	MANAGER M/S LORD KRISHNA STEEL UDYOG V/S PRESIDING OFFICER LABOUR CUM INDUSTRIAL TRIBUNAL FARIDABAD AND ORS.
10.	CWP-29992-2017	M/S KRISHNA STEEL UDYOG PVT LTD V/S SANJAY AND OTHERS
11.	CWP-29993-2017	M/S KRISHNA STEEL UDYOG PVT LTD V/S MADAN SINGH AND OTHERS
12.	CWP-29994-2017	M/S KRISHNA STEEL UDYOG PVT LTD V/S NIRBHAY AND OTHERS
13.	CWP-29995-2017	M/S KRISHNA STEEL UDYOG PVT LTD V/S SANDEEP AND OTHERS
14.	CWP-29996-2017	M/S KRISHNA STEEL UDYOG PVT LTD V/S RAM TIRATH GOSWAMI AND OTHERS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ajay Chaudhary, Advocate
for the petitioner in CWP Nos.21610, 21654, 21658, 21805,
23218, 21830 and 23215 of 2017.

Mr.Hitesh Chauhan, Advocate for
Mr. Suresh Kumar Kaushik, Advocate
for the petitioner in CWP Nos.29990 to 29996 of 2017 and
for respondent No.3 in CWP Nos. 21610, 21654, 21658,
21805, 23218 and 21830 of 2017.

2024:PHHC:164223



JAGMOHAN BANSAL, J. (Oral)

1. By this common order, the above-said petitions are disposed of as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of petitioner, the facts are borrowed from CWP-21610-2017.

2. There is no representation of the workman since 2022 despite notices sent to them. The matter is pending before this Court since 2017 and cannot be kept pending for indefinite period especially when it is a bunch of 14 cases and establishment is lying closed.

3. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 29.08.2016 (Annexure P-9) whereby Labour Court has ordered to reinstate the workman with continuity of service and back wages.

4. The petitioner claims that M/s Lord Krishna Steel Udyog was a proprietorship concern and M/s Krishna Steel Udyog Pvt. Ltd. was a limited company registered under Companies Act, 1956. The manufacturing unit of both the entities are lying closed. The unit of proprietorship concern was closed in August' 2012 and unit of private limited company never commenced its manufacturing activities.

5. The petitioner has placed on record documents disclosing that workman started working with another organization. The workman was paid compensation at the time of conciliation proceedings before Labour Authorities. The unit is lying closed since 2012, thus, there is no

2024:PHHC:164223



question of reinstatement and continuity of service.

6. There is no representation of the respondent-workman which shows that with the efflux of time, he has lost his interest to pursue the matter.

7. Indubitably, the unit of petitioner was closed in 2012 and under those circumstances, the workman was retrenched. He was paid compensation during the conciliation proceedings. He joined another organization. Labour Court is swayed by the fact that management has two units and both are owned by one person. The Court has failed to notice that unit where workman was working was a proprietorship concern and second unit which is located at a different location, is a private limited company. One unit was closed in 2012 and second never commenced its production. In these circumstances, the impugned award deserves to be set aside and accordingly set aside.

8. There is no representation of the respondent-workman, thus, he is at liberty to move an appropriate application within 06 months from today, if cause survives.

9. Pending miscellaneous application (s), if any, shall also stand disposed of.

10.12.2024

anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No