

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217

CWP-7044-2014
Date of Decision: 13.02.2024

M/S DEEPAK INDUSTRIES

.... Petitioner

Versus

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CIRCLE-1, FARIDABAD AND ANR

....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vijay Sheoran, Advocate and
Mr. Himanshu Arora, Advocate for the petitioner.

Mr. Satish Singla, AAG, Haryana.

Mr. Rajesh Lamba, Advocate for respondent No.2.

SANJAY VASHISTH, J.(Oral)

1. Present writ petition has been filed by M/s Deepak Industries-Management, whereby ex-parte award dated 21.01.2013 (Annexure P-3) is sought to be quashed. Reference under Section 10 (1) (C) of the Industrial Disputes Act, 1947, has been answered in favour of respondent No.2-Sh. Surender Yadav (workman), whose termination has been set aside and reinstatement has been ordered with continuity of service alongwith 50% backwages.

2. Admittedly, the order dated 28.07.2010, whereby the petitioner-Management proceeded against ex-parte; was neither challenged before the Labour Court, nor before this Court in the present writ petition. The ground taken in the present writ petition is that, during the course of execution, petitioner came to know of the factum of passing of impugned award against it by the Labour Court.

4. The said averment appears to be without any basis. First two lines of paragraph No.5 of the writ petition makes it clear that petitioner was earlier represented through its authorized representative, namely, Sh. Deepak Bakshi and subsequent thereto, petitioner-Management was proceeded against ex-parte vide order dated 28.07.2010.

For the sake of convenience, paragraph No.5. Of the writ petition is reproduced hereinbelow:

“5.That the petitioner was represented through the authorized representative namely Sh. Deepak Bakshi, however, during the proceedings the petitioner was proceeded against exparte vide order dated 28.07.2010, wherein it is mentioned that despite direction given by L.C. Haryana to appear no one has appeared. The order dated 28.07.2010 is reproduced below:

Present:- Sh. J.S. Kanwar, Adv. for claimant.

None for respondent.

Case called several times since morning but none come for respondent despite direction given by L.C. Haryana to appear in the court today. Waited sufficiently. Further wait is uncalled for. Hence respondent is proceeded exparte. Now to come up for c's and exparte evidence of claimant for 07.09.2010.

Sd/- P.O.
L.C. Faridabad
Dharampal
28.07.2010"

5. Thus, this Court is of the view that once, the petitioner admits its appearance through authorized representative, namely, Sh. Deepak Bakshi, during the proceedings, later on it would not lie in the mouth of the Management to say that actually, it came to know about the passing of the award from the starting of the execution proceedings against it.

Otherwise also, there is no dispute that the order dated 28.07.2010 was neither challenged before the Labour Court, nor before this Court, in the writ petition.

This Court does not find any substance in the submissions addressed by the petitioner before this Court. Accordingly, the present petition stands disposed of.

6. Before parting with the order, it is clarified that in compliance to the order dated 28.04.2014, the amount of Rs.15,000/- deposited by the petitioner before this Court, would be paid to respondent No.2-workman without any delay.

February 13, 2024
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no