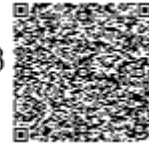


IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2024:PHHC:119417-DB



(217)

LPA-1714-2019 (O&M)
Date of Decision: 11.09.2024

Sandeep Kumar

--Appellant

Versus

United India Insurance Co. Ltd. & others

--Respondents

**CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU CHIEF JUSTICE.
HON'BLE MR. JUSTICE ANIL KSHETARPAL.**

Present:- Ms. Abha Rathore, Advocate for the appellant.

Mr. D.R. Bansal, Advocate for respondent no.1.

Mr. Deepak Balyan, Addl. A.G., Haryana for
respondents no.2 & 3.

Mr. Bharat Bhushan Sharma, Advocate for respondent no.4

SHEEL NAGU, CHIEF JUSTICE(Oral)

1. The present appeal assails the order dated 19.07.2019, passed by learned Single Judge in CWP-14084-2017, whereby after finding the award of learned Industrial Tribunal-cum-Labour Court, Panipat to be vitiating on the principle of *Coram Non Judice*, learned Single Judge extended liberty to the workman to initiate appropriate proceedings in accordance with law.

2. We have heard learned counsel for the rival parties and perused the records.

3. It is evident that the order of learned Single Judge is in accordance with law for the following reasons:-

(i) The reference of the dispute was made by the wrong appropriate Govt. i.e. State of Haryana, whereas the workman was working in United India Insurance Co. Ltd.-respondent no.1, which is a Govt. of India company.

(ii) The very initiation of the reference of dispute, and its subsequent adjudication by the wrong forum i.e. the Industrial Tribunal-cum-Labour Court, Panipat rendered the proceedings vitiated in law on the principle of *Coram Non Judice*.

4. Learned counsel for the parties do not dispute the aforesaid legal and factual position of law that the Appropriate Govt., as per Section 2(a) of the Industrial Disputes Act was the Central Govt. and not the State of Haryana.

5. In view of above and to save the workman from further travails of another long drawn litigation, this Court directs the Union of India-respondent no.4 to consider the dispute of workman-appellant and to refer the same to the appropriate forum i.e. Central Govt. Labour Court (CGLT), within a period of 30 days from the date of receipt of a certified copy of this order. The Central Govt. Labour Court (CGLT) is also directed to adjudicate the dispute received from the respondent no.4, as expeditiously as possible, preferably within a period of six months thereafter.

6. Since the appellant-workman has been put to unnecessary trouble and travail of prolonged fruitless litigation with no hope of justice even the near future, this Court is inclined to grant compensation to the tune of Rs.25,000/- to the appellant-workman, which shall be borne by the State of Haryana for having assumed jurisdiction as Appropriate Govt. when it had none.

- 7. The Letters Patent Appeal is, accordingly, disposed of.
- 8. All the pending application(s) also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

11.09.2024
lucky

(ANIL KSHETARPAL)
JUDGE

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