



111+5 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23781-2023 (O&M)

Date of Decision:24.07.2024

M/S DSSN INDUSTRIES THR ITS PARTNER Petitioner

Versus

PRESIDING OFFICER AND ANR. Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Deepkaran Dalal, Advocate and
Mr. Yoginder Singh Rana, Advocate
for the petitioner.

Mr. A.P. Bhandari, Advocate for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 18.08.2021 (Annexure P-3) whereby Industrial Tribunal cum Labour Tribunal has answered reference in favour of respondent No.2 (Mukesh Kumar).

2. Mr. Deepkaran Dalal, Advocate submits that petitioner has strong *prima facie* case on merits and Tribunal has passed *ex-parte* order whereby huge liability has been created. The petitioner is a partnership firm and it has already closed down its business. It has sufficient evidence to prove that workman after termination by respondent was gainfully employed somewhere else, thus, he is not entitled to back wages or reinstatement with full wages.

3. Per contra, Mr. A.P. Bhandari, Advocate submits that petitioner willfully did not join proceedings before the Tribunal when the matter was at fag end though it filed written statement and appeared on many occasions. If the Court comes to a conclusion that matter should be



adjudicated afresh by Tribunal, the petitioner must be put to terms.

4. On being asked, Mr. A.P. Bhandari, Advocate suggests that petitioner may be directed to pay a sum of ₹25,000/- per workman and further deposit ₹75,000/- per workman with the Tribunal.

5. The petitioner agrees with the suggestion of Mr. A.P. Bhandari, Advocate.

6. Without commenting upon merits of the case and considering the fact that petitioner’s manufacturing unit is lying closed; the proceedings before Tribunal took place during the period when entire nation was facing valour of COVID-19 epidemic, this Court finds it appropriate to set aside *ex-parte* award dated 18.08.2021 (Annexure P-3) and remand the matter back to Tribunal to pass fresh order. Accordingly, impugned orders are hereby quashed and matter is remanded back to Tribunal to pass fresh order expeditiously and preferably within 3 months from the first date of appearance of parties.

7. The parties at the first instance would appear before the Tribunal on 05.08.2024 and thereafter as directed by Ld. Tribunal. The petitioner shall pay a sum of ₹25,000/- to respondent at the time of appearance before the Labour Court. The remaining sum of ₹75,000/- shall be deposited with Ld. Tribunal on or before 31.08.2024 in the form of FDR.

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

(JAGMOHAN BANSAL)
JUDGE

24.07.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No