



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-5219-LPA-2023 in/and LPA-2085-2023 (O&M)

Date of decision : 29.08.2024

Paul Kaur

.....Appellant

Versus

The Presiding Officer, Central Government Industrial Tribunal-cum-Labour
Court-II, Chandigarh and another

.....Respondents

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

Present: Mr. Naresh K. Chhokar, Advocate,
for the appellant.

SHEEL NAGU, CHIEF JUSTICE (Oral)

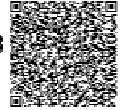
CM-5219-LPA-2023

For the reasons stated in the application, duly supported by an
affidavit of the applicant-appellant, delay of 103 days in filing the appeal is
condoned.

Application is, accordingly, allowed.

LPA-2085-2023

1. This intra-court appeal assails the order dated 26.07.2023
rendered by the learned Single Judge in CWP-27049-2021 upholding the
award dated 21.02.2014 passed by the Labour Court declining reference made



by the appropriate Government, on the ground that no evidence or material was produced by the workman in support of the dispute raised.

2. The bare facts reveal that the workman Dharam Singh (deceased husband of the appellant herein) along with his co-employee Darshan Singh was terminated in March, 1998, after conducting departmental proceedings. Subsequently, on 14.07.1999, both of them were acquitted of the charges of cheating and criminal breach of trust along with criminal conspiracy. It was alleged by the workman that co-employee Darshan Singh was reinstated on 26.03.2001. However, since the workman was not reinstated, he raised the dispute on 24.11.1999, i.e., after attaining the age of superannuation on 31.10.1999. However, despite grant of sufficient opportunities, the workman failed to produce any evidence or material before the Labour Court, and the reference was, therefore, declined vide ex-parte award dated 21.02.2014.

3. The said award was challenged by the widow of the workman before the learned Single Judge who upheld the same primarily on the ground that the writ petition was filed after more than seven years of unexplained and inordinate delay.

4. After hearing learned counsel appearing on behalf of widow of the workman, who is unable to show us any material, we cannot take a different view than the one taken by the learned Single Judge, and also in the absence of any material to show justified cause for delay in approaching the learned Single Judge as well as absence of reasons to produce evidence before the Labour Court, this Court is afraid that widow of the workman cannot be helped.



5. We do not find any reason to interfere with the impugned order passed by the learned Single Judge, which is accordingly upheld, and the appeal stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

August 29, 2024
ndj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No