



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

110+291

**CM-16330-CWP-2024 in/and
CWP-2190-2022 (O&M)
Decided on :22.04.2025**

M/S APP (INDIA) PAPER PRIVATE LIMITED . .petitioner
Versus

ASHOK KUMAR PANWAR AND ANOTHER . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Ms. Jasneet Kaur, Advocate for the petitioner.

Mr. Sushil K. Sharma, Advocate for
Ms. Meenakshi Sharma, Advocate for respondents.

HARSIMRAN SINGH SETHI , J. (Oral)

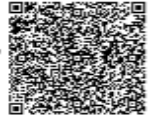
CM-16330-CWP-2024

The prayer in the present application is for placing on record the reply of respondent No. 1.

Keeping in view the averments mentioned in the application, the same is allowed. Copy of reply is taken on record subject to all just exceptions.

Main case:-

1. The present petition has been filed challenging the impugned award dated 04.10.2021 (Annexure P-1) . Learned counsel for the petitioner submits that the said award is an ex parte award and the petitioner was never served so as to allow him to participate in the proceedings before the Labour Court. Learned counsel for the petitioner further submits that the recording of the findings in the award by the Labour Court that a counsel had appeared on behalf of the petitioner before the Labour Court, but thereafter, he



remained absent, is incorrect as the petitioner was never served with the summons for him to afford an opportunity to authorize anyone to appear on behalf of them therefore, the recording of the findings by labour Court that some representatives appeared on behalf of petitioner is incorrect.

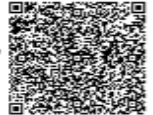
2. Learned counsel for the petitioner-Corporation further submits that the exparte award dated 04.10.2021 (Annexure P-1) be set-aside and the matter be remanded back to the labour Court for fresh adjudication. Learned counsel for the petitioner also submits that the petitioner is ready to compensate the respondent-workmen for the delay on his part.

3. Upon notice of motion, learned counsel for the respondent-workman has appeared and submits that once the labour Court has come to the conclusion that the petitioner was served properly and thereafter an exparte award has been passed, therefore, the impugned exparte award may kindly be upheld.

4. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. The petitioner is disputing service upon petitioner and there is also a dispute that whether any lawyer was engaged to defend petitioner before the labour Court or not. It is in interest of natural justice, further, the dispute between the parties should be decided on merits as far as possible. In the present case, the exparte impugned order has been passed only on the basis of the statement of the respondent-workmen, which statement is also being contested to be incorrect by the petitioner-corporation.

7. In the totality of the facts and circumstances of the present case, the impugned exparte award is set-aside and the present matter is remanded back to the labour Court to decide lis between the parties on merit by giving



due opportunities to both of the parties so as to present their respective case.

8. As undertaken by the petitioner, as delay has occurred on their post, which has caused the prejudice to the respondent-workman, the petitioner will pay cost of Rs. 25,000/- to the respondent-workmen at the time of first hearing before the labour Court. In case, the said amount is not being paid by the petitioner-corporation to the respondent-workmen, the exparte impugned award which has been set-aside herein above, will stand revived due to inaction on the part of the petitioner to comply with the terms and conditions of this order. Parties to appear on 09.05.2025 before the Tribunal.

9. The present petition is disposed of in above terms.

10. A photocopy of this order be placed on the file of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

22.04.2025

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