

**CWP-3550-2022****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(280)****CWP-3550-2022****Date of Decision : March 06, 2025****Ashok Kumar****.. Petitioner****Versus****The Presiding Officer Industrial Tribunal-cum- Labour Court,
Gurgaon and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. S.K. Tripathi, Advocate, for the petitioner.

Mr. A.P. Setia, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Learned counsel for the petitioner-employee argues that the application dated 24.12.2015 (Annexure P-4) filed by the petitioner-employee under Section 36 (4) of the Industrial Disputes Act, 1947 (hereinafter referred as '1947 Act') so as to debar the counsel appearing on behalf of the management, has wrongly been decided by the Labour Court vide order dated 28.11.2019, copy of which has been appended with this petition as Annexure P-6.

2. Learned counsel for the petitioner submits that the petitioner-employee is ready in case a seasoned Advocate is also given to him to present his case either by the Legal Aid Services Authority or in case, the Advocate is chosen by the petitioner-employee, his/her fees is to be paid by the management.

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3. Learned counsel appearing on behalf of respondent No.2 raises no objection for the grant of said prayer but submits that the fees of the Advocate, who is chosen by the petitioner-employee, should be within the limits.

4. Keeping in view the joint agreement between the parties, the present petition is disposed of with the observation that the list of the Advocates will be given by the petitioner-employee to the Labour Court along with the proposed fees and the aforementioned issue will be decided by the Labour Court to appoint anyone of them.

5. In case, the Labour Court comes to the conclusion that the fees being demanded by the said Advocate is excessive, then the Labour Court will be within its jurisdiction to appoint the counsel or the Legal Aid Counsel to represent case of the petitioner-employee.

March 06, 2025*harsha***(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No