



CWP-21427-2017

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

(252)

CWP-21427-2017

Date of Decision : 06.11.2025

Satpal

...Petitioner

Versus

The Presiding Officer, Labour Court,
Ambala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Jagram Singh Cooner, Advocate
for the petitioner.

Mr. Amarjit Singh Virk, Advocate
for respondents No.2 and 3.

KULDEEP TIWARI, J.(ORAL)

1. The petitioner/workman, fetching grievance from the award dated 27.03.2010 (Annexure P-1), passed by the learned Presiding Officer, Labour Court, Ambala (respondent No.1), wherethrough, the reference was answered against him, has filed the instant writ petition, cast under Article 226/227 of the Constitution of India, to throw challenge to the award (supra).

2. The reference was answered against the petitioner/workman, on the sole ground, that the petitioner has failed to lead any evidence, to substantiate his claim made in the claim statement.

3. Learned counsel for the petitioner has submitted that though in the award (supra), it has been observed that four effective opportunities have been granted for leading the evidence. However, while referring to the interim order, he submits that only two opportunities were granted, rather on



the second date itself, when the case was fixed for leading the evidence of petitioner/workman, the evidence was closed by order. He submits that no effective opportunity was afforded to the petitioner/workman, to lead evidence. He further submits that in case, one opportunity be granted to the petitioner/workman, to conclude his entire evidence, and therefore, has made a request for remand of the *lis*, after setting aside the impugned award.

4. Mr. A.S. Virk, Advocate, has caused appearance on behalf of the respondents/University, and while defending the award passed in favour the Management, submitted that the award was passed in the year 2010, whereas, the instant petition has been filed after a lapse of seven years, from passing of the award (*supra*). He further submits that the petitioner' evidence was closed in presence of the counsel for the petitioner, therefore, he could have filed the application for setting aside the said interim order, or could have challenged the said interim order. However, nothing of such kind was done rather, after a long gap of seven years, the instant writ petition has been filed.

5. This Court has heard the submissions made by the learned counsel for the parties, and have gone through the available record.

6. Considering the basic objective of the Industrial Disputes Act, 1947, which is primarily to achieve the welfare of the workman, this Court is of the considered opinion that the learned Tribunal, ought to have given one effective opportunity to the petitioner/workman, to lead the evidence. Even, the observation that four effective opportunities were granted, is factually incorrect, as observed above, only two opportunities were afforded. Rather, on the second date itself, the evidence was closed by order.

7. Without delving into the merits of the claim, as raised by the petitioner/workman, this Court is of the considered opinion that one last



opportunity be granted to the petitioner/workman, to substantiate his claim, by leading his evidence. Therefore, the award (supra), is **set aside**, and the instant writ petition is **allowed**.

8. The parties are directed to cause appearance before the learned Tribunal concerned, within a period of two weeks, and thereafter, the learned Tribunal concerned, shall afford one opportunity to the petitioner/workman and three opportunities to the Management, to lead their respective evidence.

9. It goes without saying in case, the petitioner fails to lead the evidence on the date fixed by the Ld. Tribunal, no further opportunity shall be afforded to him. Since the claim petition pertains to the year 2008, therefore, further *mandamus* is passed upon the learned Tribunal concerned, to make all endeavours to decide the claim petition, most expeditiously preferably within a period of six months from the date of receipt of certified copy of this order.

10. Ordered accordingly.

(KULDEEP TIWARI)
JUDGE

November 06, 2025
Manpreet

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