



CWP-380-2018

-1-

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

268

**CWP-380-2018 (O&M)
Date of Decision :10.03.2025**

**Government College for Women,
Bharat Nagar Chowk, Ludhiana & others**

...Petitioners

Versus

Makhan Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Malkiat Singh, DAG, Punjab.

Mr. Surmukh Singh, Advocate with Mr. Sonu Bhatia, Advocate
for respondent No.1.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the ex-parte award dated 21.03.2016 (Annexure P/2) passed by the Presiding Officer, Industrial Tribunal, Ludhiana as well as the order dated 01.09.2017 (Annexure P/1) passed by the Industrial Tribunal by which, the application dated 25.04.2016 filed by the petitioner-College for setting aside the ex-parte proceeding dated 19.02.2016 and ex-parte award dated 21.03.2016 (Annexure P/2), has been rejected.

2. Learned counsel for the petitioner-College submits that the due reasons were given by the petitioner-College to the Tribunal vide application dated 25.04.2016 for setting aside the ex-parte award dated



21.03.2016 (Annexure P/2) wherein the petitioner-College has stated that the officer, who was earlier handling the case had retired and later on the case file was given to the another employee, who was not conversant with the working of the Court and therefore could not appear before the Court, which non-appearance led to passing of the ex-parte award dated 21.03.2016 (Annexure P/2) by the Tribunal, Learned counsel for the petitioner-College submits that this crucial aspect has not been appreciated in the correct perspective by the Tribunal so as to reject the application dated 25.04.2016 for setting aside the ex-parte award dated 21.03.2016.

3. Learned counsel for the petitioner-college further submits that the petitioner-College can be imposed with cost but liberty be given to defend the claim of the respondent-workman on merits.

4. Learned counsel for the respondent-workman submits that the respondent-workman is in litigation for the last 15 years to seek his entitled dues and though, the ex-parte award dated 21.08.2016 (Annexure P/2) was passed in the workman's favour as the petitioner-College failed to appear before the Labour Court hence, the said award dated 21.03.2016 (Annexure P/2) is liable to be implemented and application dated 25.04.2016 filed by the petitioner-College for setting aside the said ex-parte award dated 21.03.2016 has rightly been dismissed vide order dated 01.09.2017 (Annexure P/1) of the Industrial Tribunal.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It may be noticed that execution of the impugned award dated 21.03.2016 (Annexure P/2) was stayed by this Court vide order dated

**CWP-380-2018****-3-**

28.01.2020 on application of stay.

7. Further, the reasons given by the petitioner-College for being proceeded ex-parte seems to be genuine as it has already come on record that the employee, who was earlier pursuing the case on behalf of petitioner-College retired from service after which, the case file was given to another employee, who was not conversant with the working of the Court and thus could not appear in the proceedings due to which act, the petitioner-College was proceeded ex-parte so as to invite the ex-parte award dated 21.03.2016 (Annexure P/2).

8. Further, in the interest of justice, all the efforts should be made to decide the dispute between the parties on merits as far as possible in case, the same is permissible under law.

9. In the facts and circumstances of the present case, the Tribunal should have given a chance to the petitioner-College to present their case,

10. Keeping in view the totality of the facts and circumstances of the present case, ex-parte award dated 21.03.2016 (Annexure P/2) as well as order dated 01.09.2017 (Annexure P/1) are set aside and the case is remanded back to the Tribunal for fresh adjudication.

11. In order to compensate the respondent-Workman for the delay caused to them, the petitioner-College is directed to pay a sum of Rs.30,000/- as cost to the respondent-workman. The Tribunal will only start the proceedings for fresh adjudication in case, the petitioner-College will pay a sum of Rs.30,000/- to the respondent-workman so as to compensate for delay which has cause due the act on the part of the petitioner-College. In case, sum of Rs.30,000/- is not paid to the respondent-Workman, the

**CWP-380-2018****-4-**

present order setting aside the ex-parte award dated 21.03.2016 (Annexure P/2) as well as order dated 01.09.2017 (Annexure P/1) will not be brought into operation and the writ petition will be treated to have been dismissed.

12. Parties are directed to appear before the Tribunal on 02.04.2025.

March 10, 2025**(HARSIMRAN SINGH SETHI)***aarti***JUDGE***Whether speaking/reasoned : Yes**Whether reportable : No*