



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

CR-8702-2025

DECIDED ON: 01.12.2025

M/S HERO MOTOCORP LTD.

.....PETITIONER

VERSUS

OM NATH AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Pawan Kumar Mutneja, Sr. Advocate with
Mr. Viranjeet Singh Mahal, Ms. Suverna Mutneja, Advocates
for the petitioner.

MANDEEP PANNU, J (ORAL)

1. The present revision petition has been filed by the petitioner under Article 227 of the Constitution of India challenging the order dated 16.10.2025 passed by the learned Presiding Officer, Labour Court-I, Gurugram, whereby the application moved by the petitioner for amendment of the written statement has been dismissed.

2. Briefly stated, Respondent No.1 – Om Nath was employed with the petitioner as a security guard and was later promoted as Inspector/Supervisor. It is the case of the petitioner that Respondent No.1 abandoned his service on 01.11.2012 without permission and did not report for duty thereafter for more than one and a half years, which amounted to voluntary abandonment. Respondent No.1 thereafter raised an industrial dispute and filed his claim statement before the Labour Court. The petitioner

filed its written statement and, upon amendment by the workman, filed an amended written statement as well.

3. During the proceedings before the Labour Court, Respondent No.1 attained the age of superannuation on 31.08.2023 on the basis of the date of birth recorded in the documents of the petitioner. The petitioner moved an application dated 18.03.2024 seeking amendment of the written statement to incorporate the fact of superannuation. That application was dismissed by the Labour Court on the ground that the date of birth relied upon was not correctly reflected. The petitioner thereafter filed another application dated 16.10.2025 stating that the date of birth of the claimant, as per undisputed records, was 18.08.1967 and that since he had attained the age of superannuation on 18.08.2025, the fact was required to be incorporated for proper adjudication of the matter. Respondent No.1 filed his reply opposing the amendment. Vide order dated 16.10.2025, the learned Labour Court dismissed the application by observing that an identical application had earlier been dismissed on 24.07.2025, the present application appeared intended to delay the proceedings which were already more than ten years old, the proposed amendment was of a legal nature which could be argued at the stage of final arguments and that there was no impediment in raising such plea during the course of arguments. On these findings, the application was dismissed.

4. Feeling aggrieved by the impugned order, the petitioner has preferred the present revision petition.

5. Learned counsel for the petitioner has contended that the Labour Court has failed to appreciate that the age of superannuation is a material fact, directly connected with the employment relationship, and

necessary for effective adjudication of the issues of reinstatement, continuity of service and back wages. It is urged that the amendment does not introduce any new defence nor does it alter the nature of the dispute, but merely clarifies a fact already borne out from official records. It has been further submitted that the Labour Court ought not to have rejected the amendment only on the ground that a similar application had been dismissed earlier, because the present application contained correct material supported by documents. It is also argued that the Labour Court has failed to apply the principle that relevant facts necessary for proper adjudication should ordinarily be allowed on record to avoid multiplicity of proceedings. The petitioner submits that the matter being short and dependent on a documentary fact, notice on the amendment application ought to have been duly considered and the amendment should have been allowed.

6. Since the short controversy is involved in the present revision petition, no notice is required to be issued to the respondents.

7. After hearing learned counsel for the petitioner and upon perusal of the record, this Court finds that the learned Labour Court has already considered the application for amendment on an earlier occasion and declined the identical relief on 24.07.2025. The present application, filed immediately, thereafter, has been rightly examined in the light of those earlier proceedings. The Labour Court has recorded that the dispute is more than a decade old and the proceedings are already at the stage of final arguments. It has also been observed that the proposed amendment is of legal nature and that there is no bar to the petitioner raising this plea at the time of final arguments. The Labour Court has further taken note of the manner in which the petitioner moved successive applications and has

concluded that the attempt appears intended to delay disposal of the case. These findings are based on the material available in the proceedings before the Labour Court and do not call for interference in the limited supervisory jurisdiction under Article 227 of the Constitution of India.

8. The matter being ripe for final disposal, and the Labour Court having clearly held that the plea sought through amendment may still be raised at the time of final submissions, no prejudice has been caused to the petitioner. There is no illegality or perversity in the order dated 16.10.2025 passed by Presiding Officer Labour Court-I, Gurugram warranting interference in revision. The contention of the petitioner that the amendment was essential does not, in the facts of the case, justify setting aside the impugned order, particularly when an identical amendment had already been declined earlier and the Labour Court has permitted the petitioner to raise the same issue during final arguments.

9. Accordingly, finding no ground to interfere, the present revision petition is dismissed with liberty to the petitioner to raise this plea before the learned trial Court during arguments, which shall be considered and decided at the time of the final disposal of the case.

10. All pending miscellaneous application(s), if any, stands disposed of.

01.12.2025

Poonam Negi

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No