

**CWP-5881-2018**

-1-

239**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-5881-2018**Date of Decision : **05.05.2026****STATE OF PUNJAB THROUGH SECRETARY, DEPARTMENT OF
WATER SUPPLY AND SANITION AND ANOTHER**

.....Petitioner

VERSUS**PRESIDING OFFICER INDUSTRIAL TRIBUNAL AMRITSAR
AND ANOTHER**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent : Mr. Tejinder Pal Singh Walia, AAG, Punjab
for the petitioner.Mr. Kamaljit Singh Dhillon, Advocate,
for respondent no.2**KULDEEP TIWARI, J.(Oral)**

1. Through the instant petition, filed under Article 226/227 of the Constitution of India, the petitioners-State has challenged an *ex parte* Award dated 17.08.2015 (Annexure P-2), passed by the Labour Court (respondent no.1), on the ground that the *ex parte* proceedings are illegal and against the principle of natural justice, as the address on which the summons have been served, was, in fact, an incorrect address.

2. Learned counsel for the petitioners-State submits that on account of erroneous *ex parte* proceedings, the Award does not pass the test of legality.



CWP-5881-2018

-2-

3. Learned counsel for respondent no.2, fairly, concedes that the address mentioned on the summons, as well as, the claim petition is incorrect, and in that eventuality the Award is required to be remanded back to the learned Tribunal concerned. However, he submits that since respondent no.2-workman, is in litigation since 2013, therefore, a *mandamus* may be passed upon the learned Tribunal concerned, to decide the reference afresh, within a time bound manner.

4. He further submits that respondent no.2-workman, is still getting wages in compliance of the provisions of Section 17-B of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. Considering the fair submissions, as made by learned counsel for respondent no.2-workman, this Court has no hesitation to set aside the Award, as the *ex parte* proceedings suffer, from procedural lapse as the petitioners were never served. Accordingly, the impugned *ex parte* Award is hereby, **set aside**, and the matter is remanded to the learned Tribunal concerned, for a fresh decision, after affording due opportunity of hearing as well as, opportunity to lead evidence, to the parties concerned.

6. Both the parties are directed to appear before the learned Tribunal concerned, on 12.05.2026, at 11:00 A.M.

7. Since the matter pertains to the year 2013, a *mandamus* is passed upon the learned Tribunal concerned, to decide the reference within a period of six months from the date of receipt of a certified copy of this order.

**CWP-5881-2018**

-3-

8. It goes without saying that, in order to conclude the reference within aforesaid stipulated period, the co-operation of both the parties is required, therefore, it is expected that the parties concerned will not adopt any dilatory tactics.

9. The respondent no.2-workman, is also at liberty to furnish correct address, as well as designation of the competent authority.

10. **Disposed of** accordingly.

11. All pending application(s), if any, also stand **disposed** of accordingly.

May 05, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No