
(2009) 02 P&H CK 0190
In the Punjab And Haryana At Chandigarh

K.N. Interplast Pvt. Ltd.

APPELLANT

Vs

Presiding Officer, Labour Court and Another

RESPONDENT

Date of Decision : 11-02-2009

Acts Referred:

Citation : (2009) 02 P&H CK 0190

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Augustine George Masih, J.—In the present writ petition, the challenge is to the ex-parte award dated 17.08.2001 (Annexure-P-1), passed by the Industrial Tribunal-cum-Labour Court, Rohtak, vide which the reference was answered in favour of the respondent-workman holding him entitled to reinstatement on his previous post with continuity of service and 80 per cent back wages.

2. Counsel for the petitioner has contended that during proceedings before the Industrial Tribunal-cum-Labour Court, service was never effected upon the petitioner and the petitioner has been wrongly proceeded against ex-parte, vide order dated 27.04.2001. The subsequent award dated 17.08.2001 (Annexure-P-1), therefore, cannot be sustained which is under challenge in the present writ petition.

3. Upon notice of motion having been issued by this Court, Mr. Ashwani Bakshi, Advocate, had appear on behalf of Mr. Shekhar Verma, Advocate for respondent No. 2 on 20.04.2006, thereafter on 05.09.2006 again Mr. Shekhar Verma, Advocate, had put in appearance on behalf of respondent No. 2 and sought time to file written statement. On 16.10.2006, written statement on behalf of respondent No. 2 was filed by Mr. Shekhar Verma, Advocate, in the Court which was taken on record. On 16.11.2006, request on behalf of Mr. Shekhar Verma, Advocate for respondent No. 2 was made by Mr. Rakesh Bhatia, Advocate. On 15.10.2007, again Mr. Shekhar Verma, Advocate put in appearance on behalf of

respondent No. 2 and thereafter on 13.11.2007 and 13.12.2007 as well. On 12.01.2009, none had put in appearance on behalf of respondent No. 2 and thereafter, the matter was taken up on 15.01.2009 when again none had put in appearance. The case was, thereafter, adjourned for today. Today, also none has put in appearance on behalf of respondent No. 2.

4. I have gone through the records of the Industrial Tribunal-cum-Labour Court, Rohtak, and perusal thereof would show that there is no evidence on record showing service having been effected upon the petitioner which would show that the petitioner was served in accordance with law. The assertion made by the petitioner in the writ petition with regard to non service of summons on him has not been specifically denied by the respondent in the written statement. What has been stated in the written statement is that the authorised representatives of the petitioner Shri Vinay Aggarwal and Shri Subhash Gupta, attended the proceedings before the Labour Court. This contention as per the records of the Labour Court is not correct. They have never appeared before the Labour Court. In this view of the matter the award dated 17.08.2001 (Annexure-P-1), passed by the Industrial Tribunal-cum-Labour Court, Rohtak, cannot be sustained and therefore, deserves to be set aside.

5. The present writ petition is allowed and the impugned award dated 17.08.2001 (Annexure-P-1), passed by the Industrial Tribunal-cum-Labour Court, Rohtak, is hereby quashed. The parties are directed to be present before the Industrial Tribunal-cum-Labour Court, Rohtak, on 21.02.2009.

6. Records of the Industrial Tribunal-cum-Labour Court, Rohtak, be sent back forthwith.

7. Copy of this order be given dasti to Counsel for the petitioner under the signatures of Reader of this Court.