
(2011) 04 DEL CK 0070

In the Delhi High Court

Case No : Writ Petition (Civil) No. 4608 of 1995

Ravindra Steels

APPELLANT

Vs

Its Workmen

RESPONDENT

Date of Decision : 01-04-2011

Acts Referred:

Citation : (2011) 04 DEL CK 0070

Hon'ble Judges : M.L. Mehta, J

Bench : Single Bench

Advocate : Smita Maan, for the Appellant; None, for the Respondent

Final Decision : Allowed

Judgement

M.L. Mehta, J.—This writ petition has been filed by the Petitioner, Ravindra Steels, against the ex parte award dated 29th July, 1995 of the Presiding Officer, Labour Court, Delhi. The said award was passed ex parte against the Petitioner in the petition filed by the workmen, Ram Sapath, Ram Bali and Mithai Lal. Vide the impugned award, the claim petition of the aforesaid workmen was allowed by the Presiding Officer entitling the workmen to reinstatement with continuity of service and full back wages at the rate of their last drawn wages. In the present petition, it has been alleged by the Petitioner herein, (the Respondent before the Labour Court) that their counsel failed to appear before the Labour Court and to produce some documents. It is averred that all the aforesaid three workmen had left their jobs on 22nd April, 1992 after having received their full and final dues in the presence of office bearer, Shri Ashok Raj Sharma, General Secretary, Delhi State Karamchari Union. The counsel appearing for the Petitioner sought permission to produce the original records in this regard before this Court. The same being not permissible in the present proceedings, the same was perused and returned.

2. In the present proceedings, the workmen were proceeded ex parte, for having not chosen to appear despite service. The contention of the Petitioner seems to

be well-founded that if the workmen left their jobs after having settled their entire claims finally, they were not entitled to get the relief as awarded in the impugned award. Be that as it may, the fact is that such an award has been passed against the Petitioner ex parte. No one may be made to suffer seriously because of the mistake of his counsel. That is contended to have happened in this case. Though the Petitioner was also responsible for not being vigilant to the proceedings pending before the Labour Court and fully dependent upon his counsel, but in the given circumstances, he cannot be made to suffer so seriously if the documents sought to be placed were relevant to decide the core issues involved in that case. Though it is very old case, but in the present case, I have no option except to remand the matter back to the Labour Court with the liberty being given to the Petitioner to avail one opportunity for production and proving of the documents. That is what seems to be in the interest of justice. The case being very old, it is hoped that the learned Presiding Officer will dispose of the matter within three months.

3. With these observations, the impugned award is set aside and the writ petition is allowed in the manner as indicated above and the matter is remanded back to the concerned Labour Court for disposal of the matter after entertaining the documents as per law. The amount deposited by the Petitioner be released in favour of the Petitioner.

4. The petition is disposed of accordingly.