

M/s. A.K. Enterprises Vs Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad and Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Feb. 6, 2012

Citation: (2012) LLR 490

Hon'ble Judges: Mahesh Grover, J

Bench: Single Bench

Advocate: Y.D. Kaushik, for the Appellant; Gorav Kathuria, Advocate, for the Respondent

Judgement

Mahesh Grover, J.

The petitioner impugns the ex-parte award dated 12.8.2009 passed against it. The grievance of the petitioner is that on the date in question its representative could not appear because of pre-occupation in some other Court. The ex-parte order against the petitioner

was passed on 12.8.2009 and on the same very day the Tribunal concluded its proceedings. The contention of the learned counsel for the

petitioner is that the aforesaid award has seriously prejudiced its case.

2. Learned counsel for the respondent No. 2 opposes the prayer to say that the petitioner was conscious of the ex-parte order passed against it

but despite that it made the application for recall of the order after three months of its passing which shows that the exercises were not bona fide.

3. On due consideration of the matter, I am of the opinion that the ends of justice would squarely be met if only one opportunity is granted to the

petitioner to lead its entire evidence. To settle equities this opportunity is directed to be given to the petitioner subject to payment of Rs. 30,000 as

costs which shall be given to respondent No. 2. The amount in question shall be deposited before the Tribunal on or before 12.3.2012. The parties

shall appear before the Tribunal on 20.3.2012. The Impugned award is set aside subject to the aforesaid terms and conditions and since the

parties have been directed to put in appearance before the Tribunal, it shall thereafter affix one effective date permitting the petitioner to bring on

record any evidence that it may choose in support of its claim. Thereafter the respondent-workmen would be given one opportunity to offset the

impact of such material which shall be produced by the petitioner. Petition stands disposed of.