(2010) 58 BLJR 1347

Jharkhand High Court

Case No: None

Chattu Ram Darshan Ram Pvt. Ltd. and Others		APPELLANT
	Vs	
The State of Jharkhand and Others		RESPONDENT

Date of Decision: Sept. 20, 2010

Acts Referred:

- Industrial Disputes Act, 1947 - Section 33C(2)

Citation: (2010) 58 BLJR 1347

Hon'ble Judges: Pradeep Kumar, J

Bench: Single Bench

Judgement

Pradeep Kumar, J.
Heard learned Counsel for the petitioners and the learned Counsel for the respondents.

2. It has been submitted by the learned Counsel for the petitioners that an ex parte order for payment of wages u/s 33C(2) of the I.D. Act has been passed directing the petitioner Company to pay a sum of Rs. 27,972/- to Rameshwar Singh Shastri, Rs. 6,152.05 to Shambhu Prasad Verma, Rs. 11,510.05 to Durga Shankar Lal, Rs. 16,905.91 to Altaf Hussain, Rs. 5,780.13 to Hamid Khan, Rs. 6,471.17 to Punit Gope and Rs. 6,471.17 to Sukar Gope. It is submitted by the learned Counsel for the petitioners that although there is an order of the court dated 1.7.2004 that since the registered notices, which were sent to the employer, returned back with note "not met" and hence the case was fixed for ex parte hearing and order was passed, which is bad in law, as the note "not met" does not mean to tender the registered notice to the employer of their agent. In that view of the matter, the order is bad in law and liable to be set aside and the matter may be remanded back for fresh hearing.

3. Learned Counsel appearing for the respondent- workmen has contested the same and stated that since the notice was refused, ex parte order has been passed.

4. After hearing both the parties and going through the records, it appears that LCR was called for only to verify as to whether there has been valid service or not and from the lower court records and the impugned order, it is apparent that the postman or whoever went to deliver the registered notices could not meet, anybody and only said "not met". The court has also not made any ground for refusal, which is not proper.

5. In that view of the matter, the impugned award dated 26.10.2004 in M.J. Case No. 23/2003 is set aside and the matter is remanded back for passing fresh order by the Labour Court, Hazaribagh after hearing both sides and both the parties are directed to be present in Labour Court on 22nd November,2010 and file their respective written statements and the court below will proceed with the hearing of the case. Since the matter is an old matter of 2003 and the workmen are not getting their dues since long, the Labour court is directed to see that the matter is concluded within two months.

6. With the aforesaid direction, this writ petition is disposed of.