



**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

106+241

Decided on : 27.05.2025

1. **CM-7626-CWP-2025 in/and
CWP-37213-2019 (O&M)**

PANCHAYAT SAMITI KHUHIA SARWAR

. . .Petitioner

Versus

JAGSIR SINGH AND ORS

. . . Respondents

2. **CWP-2714-2021 (O&M)**

JAGSIR SINGH

. . .Petitioner

Versus

BLOCK DEVELOPMENT AND PANCHAYAT OFFICER AND OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Amit Arora, Advocate
for the petitioners in CWP-37213-2019 and
for the respondent in CWP-2714-2021.

Mr. Priyanshu Kamra, Advocate
for the petitioner in CWP-2714 of 2021 and
for the respondents in CWP-37213-2019.

Mr. TPS Chawla, Sr. DAG, Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

By this common order, both the above mentioned writ petitions are being disposed of as both the writ petitions involve the same question of law on similar facts. For the sake of convenience, facts are drawn from CWP No. 37213 of 2019.

CM-7626-CWP-2025

The prayer in the present application is for placing on record



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Annexures R-1 to R-2

Keeping in view the averments mentioned in the application, the same is allowed. Copy of Annexures R-1 to R-2 are taken on record subject to all just exceptions.

Main Case:

1. In the present petition, the challenge is to the exparte award dated 04.06.2013 (Annexure P-1), as well as the application seeking setting aside the ex parte award which was dismissed by the Tribunal vide order dated 27.10.2016 (Annexure P-3). .
2. Learned counsel for the petitioner- Panchayat Samiti submits that the exparte award dated 04.06.2013 (Annexure P-1) was wrongly passed by the Tribunal and no opportunity was given to the petitioner- Panchayat Samiti to present its case and further, even after the passing of the exparte award dated 04.06.2013 (Annexure P-1), an application was moved by the petitioner- Panchayat Samiti for recalling the said exparte award, but the said application has also been dismissed by the Tribunal vide order dated 27.10.2016 (Annexure P-3) without giving any opportunity to the petitioner- Panchayat Samiti to lead the evidence.
3. Learned counsel appearing on behalf of the respondents-workmen submits that initially, the petitioner- Panchayat Samiti had appeared before Labour Court and filed the written statement and thereafter, were proceeded exparte in the year 2011 itself. The impugned award was passed after a period of two years i.e. on 04.06.2013 (Annexure P-1).
4. Learned counsel for the respondents-workmen further submits that an application seeking the setting aside the exparte award dated



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04.06.2013 (Annexure P-1) was filed by the petitioner- Panchayat Samiti which was withdrawn by the petitioner- Panchayat Samiti on 22.09.2014 (Annexure P-2), but thereafter, the impugned award dated 04.06.2013 (Annexure P-1) was not implemented and second application for recalling the aforementioned exparte award was filed by the petitioner- Panchayat Samiti, which was also dismissed by the Tribunal vide order dated 27.10.2016 (Annexure P-3) being not maintainable and therefore, the prayer that the impugned award dated 04.06.2013 (Annexure P-1) was passed by the Tribunal without hearing the petitioner- Panchayat Samiti is incorrect.

Learned counsel for the respondents-workman further submits that as the impugned award dated 04.06.2013 (Annexure P-1) which is being impugned by the petitioner- Panchayat Samiti in the present petition is not being implemented so far, the writ petition bearing CWP-2714-2021 has been filed by the respondent-workman.

5. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

6. It may be noticed that once, there is no valid reason stated as to why the exparte award dated 04.06.2013 (Annexure P-1) should be set-aside. Merely on the asking of the petitioner-employee, the right, which has been crystalized in favour of the respondent-workman cannot be taken away. In the present case, the petitioner-Panchayat Smiti was proceeded exparte in the year 2011 and they did not bother to get the said ex parte order set-aside till the passing of the impugned award dated 04.06.2013 (Annexure P-1).

7. Even thereafter, an application seeking setting aside the exparte award was filed by the petitioner-Panchayat Smiti, which application



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was also withdrawn by the petitioner-Panchayat Smiti on 22.09.2014, hence, the second application on the same cause of action is not maintainable and the same has rightly been dismissed by the Tribunal subsequently on 27.10.2016 (Annexure P-3). That being so, no infirmity is being found in the award which has been passed against the petitioner-Panchayat Smiti.

9. Despite opportunity being given to the petitioner-Panchayat Smiti, the petitioner-Panchayat Smiti has failed to avail the said remedy so as to lead the evidence and now, after a period of 12 years the crystalize right in favour of the respondent-workman cannot be taken away merely on the ground that the petitioner-Panchayat Smiti wants to get the exparte award dated 04.06.2013 (Annexure P-1) set-aside and that too without giving any cogent reasons for the same.

10. At this stage, learned counsel for the petitioner-Panchayat Smiti, submits that the respondent-workman is not entitled for the grant of the benefit under Section 25-F of the Industrial Disputes Act, 1947 as being granted to respondent-workman by the Tribunal. It may be noticed that once, the petitioner-Panchayat Smiti has been proceeded ex parte and no material evidence has been brought on record to deny the claim of the respondent-workman, hence, the argument that claim of the workman was wrongly accepted, cannot be accepted so as to set-aside the award.

11. Keeping in view the above, the writ petition filed by the petitioner-Panchayat Smiti bearing ***CWP No. 37213 of 2019 is hereby dismissed.***

12. As the impugned award dated 04.06.2013 (Annexure P-1) has already attained the finality and in case the same has not been implemented



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so far, Panchayat Smiti Khuhia Sarwar is directed to implement the said award within a period of **eight weeks** from the receipt of the copy of this order in the letters and spirit.

13. The Writ petition filed by the respondent-workman bearing ***CWP-2714-2021 is disposed of in above terms.***

14. Pending civil miscellaneous application, if any, stands disposed of.

15. A photocopy of this order be placed on the file of connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

27.05.2025

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