

2025.PHHC:025104-DB



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

LPA-3064-2024 (O&M)

Decided on :13.02.2025

The District Manager and another

.....Appellants

Versus

Bright Security Service and Others,

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. K.K. Gupta, Advocate, for the appellants.

SUDHIR SINGH, J.

CM-7546-LPA-2024

For the reasons given in the application, the same is allowed and delay of 76 days in re-filing the appeal is condoned.

LPA-3064-2024

Challenge in the instant intra Court appeal is to the order dated 09.10.2023 passed by learned Single Judge of this Court, whereby the writ petition filed by the appellants was dismissed.

2. Before the learned Single Judge, the appellants had laid challenge to the orders dated 29.09.2011 and 01.01.2016 (Annexures P.5 and P.8), passed by the Industrial Tribunal, Amritsar (for short `the Tribunal), allowing the claim of the respondent-workmen as regards their wages/dues.

3. As would appear from the factual position narrated in the impugned order by the learned Single Judge, the engagement of the

workmen-respondents by the appellants through respondent No.1-M/s Bright Security Service, "Sikh House", 113 Green Avenue, Amritsar, is not disputed. It is also not disputed that the appellants and respondent No.1 had been proceeded *ex-parte* in the proceedings before the Tribunal. They had unsuccessfully filed an application for setting aside the *ex-parte* proceedings. Both the orders i.e., the order declining the setting aside of the *ex-parte* proceedings and allowing the claim of the respondents-workmen, were under challenge before the learned Single Judge, but as noticed above, the said challenge has also been negated.

4. Learned counsel appearing for the appellants has argued that the impugned orders passed by the Tribunal are without jurisdiction and that while declining the application seeking setting aside of *ex-parte* proceedings, the very approach of the Tribunal was legally untenable as the said application had been dismissed on mere technicalities. It is further argued that as per the settled law, if a litigant shows sufficient cause for not appearing before any Court/quasi Judicial Authority, the *ex-parte* proceedings ought to be set aside and the aggrieved party must be given an opportunity to lead evidence. It is yet further argued that so far as the liability of the appellants is concerned, they had paid/transferred the due amount of wages towards the respondents/workmen to respondent No.1 and it is only respondent No.1, which should be held liable for any liability in this regard. Still further, it is contended that the learned Single Judge has ignored the aforesaid vital aspects of the matter and proceeded on to pass the impugned order, which has caused manifest injustice to the appellants.

5. We have heard learned counsel for the appellants and have also gone through the case file, including the impugned order passed by the learned Single Judge.

6. The only issue that requires consideration by this Court is whether the impugned order passed by the learned Single Judge, requires any interference.

7. A perusal of the impugned order would show that the learned Single Judge has dealt in a great detail with the arguments raised by the learned counsel for the appellants. In para No.14 of the order, it has been noticed as under:-

“14. Concededly, petitioners herein had appeared before the Tribunal below in the proceedings initiated in an application under section 33-C(2) of the 1947 Act filed by respondent Nos. 2 to 63 herein, however, midway, the petitioners chose not to appear before the Tribunal below; nor any evidence was led on their behalf, whereupon Tribunal below proceeded to decide the matter on the basis of unrebutted evidence of respondents No. 2 to 63 and held them entitled to the amount claimed.”

8. In para No.15 of the order, the learned Single Judge has also noticed that the appellants had left the proceedings before the Tribunal midway and though they had taken the stand that the due wages had already been paid by them to respondent No.1, yet there was no document or evidence on record to substantiate the said plea. While quoting from the order dated 29.09.2011 (Annexure P-5) passed by the Tribunal, it has been noticed that the appellants and respondent No.1 had been jointly and severally held liable in respect of the payment of the wages due to the respondents-workmen.

9. The dispute in respect of the liability between the appellants and respondent No.1 is not the subject matter of the instant lis. The direction of the Tribunal, upheld by the learned Single Judge, is the joint and several liability in respect of the amount claimed by the respondents-workmen. Once, it stands established on record that the respondents-workmen are entitled to the claimed amount, no fault could be found with the findings recorded by the Tribunal and upheld by the learned Single Judge.

10. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

11 Pending application(s), if any, stands disposed of accordingly.

**(SUDHIR SINGH)
JUDGE**

**(SUKHVINDER KAUR)
JUDGE**

13.02.2025
himanshu

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
Whether reportable:	Yes/No