



**CWP-18169-2024 (O&M) -1-  
& connected cases**

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

**270 (03 cases)**

**CWP-18169-2024 (O&M)  
Date of Decision :15.07.2025**

**The Deputy Superintending Horticulturist,  
Archaeological Survey of India and another ...Petitioners**

**Versus**

**The Ld. Presiding Officer, Industrial Tribunal-cum  
-Labour Court, Chandigarh and another  
...Respondents**

**CWP-18183-2024 (O&M)**

**The Deputy Superintending Horticulturist,  
Archaeological Survey of India and another ...Petitioners**

**Versus**

**The Ld. Presiding Officer, Industrial Tribunal-cum  
-Labour Court, Chandigarh and another  
...Respondents**

**CWP-18957-2024 (O&M)**

**The Deputy Superintending Horticulturist,  
Archaeological Survey of India and another ...Petitioners**

**Versus**

**The Ld. Presiding Officer, Industrial Tribunal-cum  
-Labour Court, Chandigarh and another ...Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

**Present: Mr. Rakesh Verma, Sr. Panel counsel with  
Mr. Rahul Verma, Advocate for the petitioner**



**CWP-18169-2024 (O&M) -2-**  
**& connected cases**

in all petitions.

Mr. Rajesh Bansal, Advocate for respondent No.2  
in all petitions.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition(s), the challenge is to the ex-parte award dated 03.05.2021 (Annexure P/1) passed by the Presiding Officer, Central Industrial Tribunal-cum-Labour Court-II, Chandigarh as well as to the order dated 24.04.2024 (Annexure P/2) whereby, the application for stay in the execution proceedings has also been rejected.

2. Learned counsel for the respondent No.2 submits that despite filing the written statement, the petitioner(s) did not bother to pursue the said litigation and were rightly proceeded exparte.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. As per the judgment of Hon'ble Supreme Court of India in **Civil Appeal No.5650-2018 titled as M/s Haryana Suraj Malting Ltd. vs. Phool Chand, decided on 18.05.2018**, the Labour Court is not functus officio after the award has become enforceable and even the ex-parte award can be set aside in case, any party is able to show sufficient cause for non-appearance before the Labour Court and the Labour Court is bound to hear the such application. Relevant paragraph of the said judgment is as under:-

“35.Merely because an award has become enforceable, does not necessarily mean that it has become binding. For an award to become binding, it should be passed in compliance with the principles of natural justice. An



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award passed denying an opportunity of hearing when there was a sufficient cause for non-appearance can be challenged on the ground of it being nullity. An award which is a nullity cannot be and shall not be a binding award. In case a party is able to show sufficient cause within a reasonable time for its non-appearance in the Labour Court/Tribunal when it was set ex parte, the Labour Court/Tribunal is bound to consider such an application and the application cannot be rejected on the ground that it was filed after the award had become enforceable. The Labour Court/Tribunal is not functus officio after the award has become enforceable as far as setting aside an ex parte award is concerned. It is within its powers to entertain an application as per the scheme of the Act and in terms of the rules of natural justice. It needs to be restated that the [Industrial Disputes Act, 1947](#) is a welfare legislation intended to maintain industrial peace. In that view of the matter, certain powers to do justice have to be conceded to the Labour Court/Tribunal, whether we call it ancillary, incidental or inherent.”

5. Learned counsel for the petitioner(s) submits that keeping in view the settled principle of law cited hereinbefore, present petitions may kindly be disposed of having been not pressed any further with liberty to file an application before the Labour Court for setting aside the exparte award dated 03.05.2021.
6. Ordered accordingly.
7. Civil miscellaneous application pending, if any, is also disposed of.
8. A photocopy of this order be placed on the file of connected case.

**July 15, 2025**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned :* Yes  
*Whether reportable :* No