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CWP-1546-2018 (O&M)
Date of decision:14.03.2018

Siemens Limited

... Petitioner

Versus

Prabir Bhattacharya and another

....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Ashwani Talwar, Advocate with
Mr. Rajinder Dhawan, Advocate with
Mr. Abhishek Bajaj, Advocate with
Mr. Akshay Bansal, Advocate for the petitioner.

Respondent No.1 in person.

P.B. BAJANTHRI, J. (ORAL)

CM-3232-CWP-2018

This is an application for placing on record reply of respondent

No.1. Heard. Allowed as prayed for subject to all just exceptions.

Reply of respondent No.1 is taken on record.

CM-3773-CWP-2018

This is an application for placing on record replication to written

statement of respondent and No.1 and exemption from filing certified

copies of Annexures P12 and P13. Heard. In view of the reasons mentioned

in the application and affidavit, same is allowed.

Replication to written statement of respondent No.1 and

Annexures P12 and P13 are taken on record.

Main case

In the instant writ petition, petitioner has challenged order dated

26.09.2017 (Annexure P1) on the petitioner's application under order 6 Rule 16 read with Section 151 of CPC before the Industrial Tribunal-cum-Labour Court. Perusal of the application vide Annexure P9 it is evident that labour court has not considered the relevant provision namely Order 6 Rule 16 read with Section 151 of CPC. On the other hand, proceeded to decide the application as if application is under Order 6 Rule 17. Therefore, order dated 26.09.2017 (Annexure P1) is set aside. Matter is remanded to the labour court to decide the petitioner's application under Order 6 Rule 16 read with Section 151 CPC afresh after hearing both the parties within a reasonable period. Parties are hereby directed to co-operate in deciding the dispute.

14.03.2018   **(P.B.BAJANTHRI)**
pooja saini   **JUDGE**

Whether speaking/reasons   Yes/No

Whether Reportable: Yes/No