

Presented on : 21/02/2018
Registered on : 21/02/2018
Decided on : 05/04/2018
Duration : 1 M, 14 Days
CNR No. MHLC260000762018

IN THE LABOUR COURT AT NANDED
(Before Shri. M.S. Agrawal)

Ganesh Sadashiv Salve
Age : 50 Yrs, Occu. : ST Dricer
R/o. : Shendan, Post. Jambhala
Tq. Hadgaon, Dist. Nanded.

.....Applicant

- V/s -

Divisional Controller,
Maharashtra State Road Transport Corporation
Nanded Division, Nanded.

.... Respondent

CLAIM :- Restoration of Com. ULP No. 38/2016 to its original stage.

APPEARANCES :- Shri. P.P. Kokane, Adv. for Applicant

Shri. A.S. Vishwas, Law Officer for Respondent

JUDGMENT
(Delivered on 05/04/2018)

The applicant has filed this application for restoration of Com. ULP 38/2016 to its original stage.

The brief facts of this application are as under --

2] The complainant was dismissed on 21/02/2018. The said application is filed on same day. The complaint was posted for evidence. The

Ld. counsel was engaged in District Court. The complainant was present in the court. The absence of the counsel is not deliberate. The court has dismissed the complaint, even though the complainant has requested the court to wait for counsel. Hence the complaint may kindly be restored. The complainant has merit in the complaint.

3] The respondent has given hand written say and strongly objected the application. He submitted that the matter has been adjourned for evidence on 8 occasions. But the complainant failed to adduce his evidence. Therefore, the order of dismissal is legal and correct. The reason in the application is not justifiable. Hence the application may be rejected.

4] From rival contentions of both parties, I have framed following points, those are as under with my findings thereon for the reasons as recorded below –

<u>POINTS</u>	<u>FINDINGS</u>
1] Whether the applicant is entitle for restoration of Com. ULP No. 38/16 to it's original stage ?	Yes
2] What Order ?	As per final order.

REASONS

Heard argument of both parties. Perused the record.

5] The complainant has filed his affidavit vide Exh. U-2. This application is filed on the same day. Therefore, it is not necessary to issue notice to the respondent for restoration of the complaint. Even though I have

issued notice to the respondent and called say to decide the application on merit. The complainant was present on 21/02/2018. The Ld. counsel for complainant was absent. The matter was already adjourned on 8 several dates. The complainant utterly failed to adduce evidence event though sufficient chance has been granted to him. The ground mentioned by the complainant in the application regarding the absence of the advocate due to busy in another court is not proper and legal for restoration of the complaint. It is the duty of the complainant to adduce evidence on fixed date. But even though after perusal of the facts of the complaint, it seems that the complainant has merit in the complaint. Therefore, it is legal to restore the complaint at it's main stage of evidence. It will not cause any pre judice to the respondent. Hence application is liable to be allowed without cost. Accordingly, I answer the Points and proceed to pass following order --

ORDER

- 1) Application is allowed without cost.
- 2) The concerned clerk of this court is directed to register Com. ULP No. 38/16 to it's original stage.
- 3) The judgment is dictated & pronounced in open court.

Date :- 05/04/2018

Place :- Nanded.

[M.S. Agrawal]
Judge,
Labour Court, Nanded.

Argued on	: 05/04/2018
Judgment dictated on	: 05/04/2018
Judgment transcribed on	: 05/04/2018
Judgment checked & signed on	: 05/04/2018

[M.S. Agrawal]
Judge,
Labour Court, Nanded.

LABOUR COURT