

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
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Case No. CGIT/LC/R/58 /2016

Sh. Kamlesh Sen

V/S

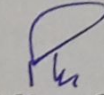
Mahar Regimental Center

~~08.07.2024~~

10 JUL 2024

Matter taken up.

Advocate Mr. Dhananjay Shrivastava present for the workman side. Ms. Neha Singh Baghel Advocate informs that the Learned Counsel for management Ms Kanak Gaharwar will be available only after lunch. Workman side filed written reply on application filed by management on 13.05.2024 seeking recall of order Dt. 05.03.2024 Closing evidence from the side of management. Copy received by Ms Neha Singh Baghel on behalf Ld Counsel for management. On his request, arguments of Learned Counsel for the Workman on the recall application were heard. As requested, put up A/L. for arguments of Learned Counsel for management.


Presiding Officer


Matter taken A/L.

Ms Kanak Gaharwar present for management. She pressed her application for recall of order Dt 05.03.2024 closing evidence of management. Heard her arguments and perused record.

The application has been opposed with argument that the management has adopted every trick in the statute book to delay the hearing of this case on one or other ground as it is apparent from record. They never paid the conditional costs imposed on them on occasions. The ground taken is completely false and bogus, not sufficient. The statute provides only three adjournments to a party which has been exhausted by management much before.

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	<p>It comes out from perusal of record in the light of rival arguments that the management took as many as four dates for their evidence within the period of two years from 20.06.2022 to 05.03.2024. Lastly, on Date 05.03.2024, when the management could not produce any evidence, their opportunity was closed.</p> <p>The ground taken in the recall application & in the submissions made by Learned Counsel for management is that the management, being a defence establishment, various administrative approvals at various levels are required for approval and therefore the delay was caused which is intentional nor willful. It is quite unconvincing that a period of almost two years was consumed in taking approvals at various levels when no specific details are mentioned in the application or affidavit in support. Hence, this ground is totally unconvincing and does not inspire confidence. Thus, this application deserves to be dismissed as such.</p> <p>The settled principle is that Courts exist not for punishing the parties for their faults but to dispense justice. Also, that cases should be disposed on merits so far as possible. Cost is the panacea that heals many wounds. Keeping this aspect in mind, granting one last opportunity to management for filing all its evidence in form of affidavits and documents but on heavy cost will serve the interest of justice.</p> <p>Accordingly, the recall application is allowed on the condition of payment of cost Rs 5,000 /- by management to the workman to reimburse his expenses. The management may file entire evidence within four weeks from today with receipt of payment of the cost imposed to the Workman and after supplying copy to the Workman or his Learned Counsel and also produce them before this Tribunal for cross examination by Workman side on the date fixed. Non compliance of the condition imposed will result in automatic vacation of this order and the recall application shall stand dismissed.</p> <p>List on 18.09.2024 for cross examination of management witnesses.</p> <p style="text-align: center;"> Presiding Officer</p>	