

31.03.2022

Present:- Shri R.K Singh, LD.A/R for the claimant.
Shri Rajat Aroroa, Ld. A/R for the management.

This order deals with an application filed by the claimant u/s 36(3) of the ID Act raising objection on the engagement of advocate by the respondent. Since, the respondent had entered appearance notice of the petition was served. On behalf of the respondent a written objection to the said petition alongwith a written statement has been filed.

During course of argument the A/R for the claimant submitted that the dispute is with regard to the refusal by the management to make compassionate appointment of the legal heir of the deceased employee. The claimants are going through acute financial crises and unable to meet the legal expenses of engaging an advocate. In such a situation for the Bar laid down u/s 36(3) of the ID Act the advocate appearing for the management should be debarred from representing the respondent.

In reply the Ld. A/R Mr. Arora submitted that the appellant has filed the authority letter of two persons namely Shri Arvind Singh and Shri R.K Singh. Whereas Shri R.K Singh is the General Secretary of the Union representing the claimant Shri Arvind Singh is an advocate and his office address has been mentioned in the authority letter itself. In such a situation the appearance of the advocate on behalf of the management cannot be prevented.

On hearing the submission advanced by both the parties it is found that the claimant is taking the assistance of the advocate. In such a situation the appearance of the advocate to represent the management cannot be disallowed. The petition filed u/s 36(3) is held devoid of merit and rejected. The WS filed is taken on record. Call on _____ For filing of rejoinder.

Presiding Officer
31.03.2022