

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE  
AVENUE, DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,  
Presiding Officer, C.G.I.T.-Cum-Labour  
Court-II, New Delhi.

**ATA No. D-1/19/2018**

M/s IIMS Detective Pvt. Limited

Appellant

VS.

APFC, Delhi (North)

Respondent

**ORDER DATED:-17.03.2021**

Present:- Shri Krishan Kartik, Ld. Counsel for the Appellant.  
Mr. Puneet Garg, Ld. Counsel for the Respondent.

This order deals with the application filed under Rule 15(2) of the EPF Appellate Tribunal (Procedure) Rules by the appellant praying for an order, setting aside the order dated 8.1.2020 and restoration of the appeal to its original no for hearing on merit.

It has been stated in the petition that the matter was listed for hearing on 8.1.2020 and the advocate was coming to the Tribunal but detained on the way due to heavy rain. However, he reached the Tribunal around 2.30 pm and came to know about the order of dismissal for non prosecution. The appeal involves substantial right of the appellant and the appeal if would not be restored to file serious prejudice shall be caused. He also submitted that the absence of the advocate was not deliberate but for a situation beyond his control.

The learned counsel for the respondent counter argued that the plea taken is not convincing and the appellant is trying to linger the proceeding which in turn will have the effect of defeating the purpose of the legislation. He thus insisted for rejection of the petition.

Perusal of the record shows that the respondent had filed his reply to the appeal on 20.12.18 and the appellant had taken several adjournments for filing rejoinder. On 8.1.2020 the matter was listed for the same purpose. The absence of the appellant on that day had the effect of closure of his right to file rejoinder. In stead the appeal was dismissed, which appears inappropriate and need to be corrected

Hence the prayer for restoration is allowed. The order dated 8.1.2020 is hereby set aside. The appeal dismissed for default is restored to its original no. however the right of the

appellant to file rejoinder is closed. Since pleading is complete,  
list the matter on 18.08.2021 for hearing.

Sd/-  
Presiding Officer