

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR

NO. CGIT/LC/M/07/2026

Present: P.K.Srivastava

H.J.S..(Retd)

**The Director In-charge,
Bhilai Steel Plant,
Bhilai, Durg (C.G.) – 490001**

Applicant

Versues

**GVN Murthy,
Mig – Amdi Nagar Hudco Bhilai,
Durg (C.G.) - 490006**

Management

(ORDER)

(Passed on this 13th day of July, 2026)

The Applicant Management has filed this petition under ***Rule 10 (9) of Industrial Disputes (Central) Rules, 1957*** seeking setting aside of Award/Judgment dated 05.02.2063, passed by this Tribunal in reference case R/71/2024.

I have heard argument of Learned Counsel Mr. R.C. Shrivastava for Applicant Management and Mr. Aditya Singh Learned Counsel for OP Workman. I have gone through the file and also the case file of R/71/2024 summoned at the time of hearing.

According to the Applicant Management, they had instructed their Counsel Mr. R.C. Shrivastava to appear in this case. He fell sick and got hospitalized in month of July and August, 2025 and could not take proper steps to inform the Applicant Management. The case proceeded ex-parte and an ex-parte Award was passed against them. The Learned Counsel has filed his own affidavit in support of the application.

Learned Counsel for OP Workman has objected to this application orally on the ground that ***firstly***, on the perusal of case file of R/71/2024 reveals that on 24.01.2025, service on Applicant Management was declared sufficient and date 11.03.2025 was fixed for filing of written statement. On 11.03.2025, Learned Counsel Mr. R.C. Shrivastava appeared for Applicant Management and undertook to file his regular Vakaltnama on their behalf. Copy of statement of claim and documents was served on him, date 08.05.2025 was fixed.

Learned Counsel Mr. Shrivastava again appeared and undertook to file regular Vakaltnama, date 16.07.2025 was fixed for filing of regular Vakaltnama by him and written statement of defense from the side of the Management along with document if any and affidavit.

As record shows, on 16.07.2025, Learned Counsel did not appear, he was informed to be sick, and thereafter as many as three dates i.e. 10.09.2025, 03.11.2025, 12.01.2026 was fixed for hearing and 05.02.2026 an ex-parte Award/Judgment was passed against the Applicant Management.

Learned Counsel for OP further submits that since, Mr. Shrivastava had not filed his Vakaltnama on behalf of the Mnaagement, he cannot be permitted to take any defense of his absence due to his illness in getting the ex-parte Award set-aside and on this score itself the application deserves to be dismissed. Another argument/objection on the side of OP Workman is that, after Mr. Shrivastava recovered, he has appeared before this Tribunal in other cases during this period.

Learned Counsel for Applicant Mr. R.C. Shrivastava has submitted that he remained admit for sometime in hospital due to heart disease, he was discharged thereafter and remained at home as advised by his doctor for months. Thereafter, he recovered and started attending his cases before this Tribunal as well before the other Courts and this fact is not disputed. The OP side has not filed any order-sheet of any case in which presence of Mr. Shrivastava has been recorded before this Tribunal in the year 2025 after he became sick. Hence, as submitted by Learned Counsel Mr. R.C. Shrivastava, it will be in the interest of justice that ex-parte Award be set-aside and the reference be decided on merits after hearing both the sides. Any convenience to the opposite party may be compensated with cost.

On perusal of record in the light of rival arguments, it comes out that Mr. R.C. Shrivastava, though he had not filed regular Vakaltnama on behalf of the Applicant Management, undertook before this Tribunal on two dates to file regular Vakaltnama and written statement on behalf of the Applicant Workman, Judicial notice can be taken for the fact that Mr. R.C. Shrivastava generally appears on behalf of the Applicant Management in the cases before this Tribunal. In absence of regular Vakaltnama, technically it can be said that there is no relation of Advocate and Client between the Applicant Management and the Learned Counsel Mr. Shrivastava in the reference case.

This fact is undisputed that Learned Counsel Mr. R.C. Shrivastava was hospitalized due to his heart ailment and was discharged after some days. Also that, he did not attend the Courts for some period as advised by his doctors.

The settled principle of law is that Courts and Tribunals did not exist to punish the parties for their faults or any lapse on the part of their Learned Counsel, rather to dispense Justice between the parties. This is also settled proposition that as far as possible cases should be decided on merits after hearing both the sides and also that any inconvenience to parties can be compensated with cost.

Applying the said principle of law, the ex-parte Award deserves to be set-aside but on cost and certain conditions.

In the case in hand, the Workman has been terminated and is out of job, since 2024 i.e. since last 2 years. Vide the ex-parte Award, he was held entitled to be reinstated. Had the Award been complied with, he would have been reinstated and getting his wages. After setting aside Award, the case will start afresh. Keeping these facts in mind, it appears just and proper to set-aside the Award on following conditions.

1. *The Management shall undertake that they will not seek any adjournment in the case in hand.*
2. *The workman also will undertake that he will also not seek any adjournment.*
3. *The Management will file its written statement of defense, documents if any relied upon and affidavit within 15 days from today.*
4. *The Management shall pay cost of Rs. 5,000/- to the Workman on every date fixed by this Tribunal before the hearing starts. However, this cost will not be payable for the date on which the hearing has been adjourned due to any lapse on the part of the workman.*

The case shall be decided in the time frame of six months from the date of filing of written statement of Applicant Management.

The ex-parte Award dated 05.02.2026 is set-aside, on the terms and conditions as well undertakings mentioned above.

The Application stands disposed accordingly. The parties are directed to appear in the reference case R/71/2024 on date 23.07.2026 for filing of written statement of defense by the Applicant Management side.

DATE:- 13.07.2026

**(P.K.SRIVASTAVA)
PRESIDING OFFICER**