

ORDER SHEET
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)

CASE NO. CGIT/LC/EPFA/MISC/31/2021
m/s sukhdeo Prasad Shankar Prasad Goenka katni vs. apfc,jabalpur

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
3-12-2021	<p>Taken up.</p> <p>Smt. Archana Nagaria, learned counsel for the appellants.</p> <p>Shri J.K.Pillai, learned counsel for the respondent</p> <p>Today an application with affidavit and copy of order of Hon'ble High Court of M.P.dated 13-11-2014 passed in Writ petition No.13674/2008 has been filed with an application for hearing today, served on the respondent.</p> <p>It has been prayed that the recovery of amount under Appeal was stayed under the aforesaid order of Hon'ble High Court, till disposal of the appeal. The Appeal was dismissed in default vide order dated 27-10-2021 and has been restored to its original number vide order dated 23-11-2021. Since the interim order have stood discharged vide the dismissal order, taking advantage of this situation, the respondents have issued order to the bankers of the appellants attaching the amount under appeal and have issued directions to the bankers to remit the amount to the account of the respondent. It has been submitted that this action of Respondent will frustrate the ^{purpose} process of Appeal and will defeat the stay order passed by Hon'ble High Court. It</p>	

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has been accordingly prayed that the order be passed restraining the respondents from proceeding with the attachment and recovery of amount under appeal and order of Hon'ble High Court staying the recovery be revived.

This application has been opposed by learned counsel for the Respondent.

After hearing and perusal of the record, keeping in view the fact that there is an order of Hon'ble High Court staying the recovery till the appeal is decided and the fact that the appeal was dismissed in default and has now been restored on its original side and date has been fixed for final arguments, the order of Hon'ble High Court dated 13-11-2014 passed in W.P.No.13674/2008 is revived and respondents are restrained from proceeding with the recovery till the final disposal of the appeal, in the light of the aforesaid order of Hon'ble High Court.

Application stands disposed off accordingly.


PRESIDING OFFICER