

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
DELHI-1; ROOM NO 208, ROUSE AVENUE DISTRICT COURT  
COMPLEX, NEW DELHI-110002.**

**Restoration Application in APPEAL NO. 411(14)2014**

M/s. RFB Latex (P) Ltd. Appellant  
Vs.  
APFC, Noida Respondent

**ORDER DATED 20.11.2020**

This order deals with the application filed by the respondent praying restoration of the file to its original no, after setting aside the order dated 24.09.2019.

Facts leading to filing of the present application in short are that, the establishment M/s. R.F.B. Latex Pvt. Ltd. had preferred the appeal challenging the order dated 24.04.2014, passed by the APFC u/s 14B and 7Q of the EPF AND MP Act. The tribunal after hearing the appeal on merit by its order dated 14.11.2014, set aside the order impugned in the appeal. Being aggrieved the respondent had filed the review application. The appellant had filed its reply to the application. When the matter was listed on 24.09.2019 for hearing of the review application, unfortunately the advocate looking after the matter could not appear before the Tribunal and it was dismissed for default of the applicant. It has also been stated in the petition that the application for review contains some important legal points to be answered. Unless the order of dismissal would be set aside and opportunity be given to the applicant/respondent to argue on the application, miscarriage of justice will occur. He thereby prayed for setting aside the order of dismissal and restoration of the appeal.

In his reply the learned counsel for the appellant submitted that the petition for review as well as the petition for restoration are designed to harass the appellant only and the default is a deliberate action of the respondent.

On hearing the submission of both the parties and on perusal of the review petition it appears that the said petition contains several legal questions which the respondent wants to argue. The respondent should not be deprived of the right on technical grounds only. More over this Tribunal is of the view that a party to a proceeding should not be allowed to suffer for the fault committed by the advocate in conduct of the case.

The petition for restoration is thus allowed. The appeal is restored to file and its original no. call the matter on 19-March-2021 for hearing of the Review application.

  
(Presiding Officer)