

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

Restoration Application in Appeal No. D-1/04/2018

M/s. Sartaj Utility Services

Appellant

Through:- Shri S.S. Pandey, Ld. Counsel for the Appellant

Vs.

RPFC/APFC, Delhi(East)

Respondent

Through:- Shri Rajesh Kumar, Ld. Counsel for the Respondent

ORDER DATED 20.11.2020

This order deals with an application filed under Rule 21 of the Tribunal (Procedure) Rules, 1997 praying restoration of the appeal to its original no. by setting aside the order of dismissal. Copy of the application was served on the respondent but none appeared.

Perusal of the record and the petitions it appears that the appeal was filed challenging the order passed by the RPFC Delhi on 28.12.2017 u/s 14B and 7Q of the EPF and MP Act imposing damage and interest on the appellant/establishment. When the matter was listed for hearing on 11.07.2019, unfortunately the counsel looking after the matter could not appear before the tribunal. The appellant received a communication from the staff of the tribunal that the matter has been reserved for orders. The appellant waited for a considerable time for the order to be passed. On 10.01.2020 after inspecting the file it could know that on 23.08.2019 the appeal was dismissed for default of the appellant. It has further been pleaded that the appellant could not pursue the matter properly for lack of communication and the matter involves valuable right of the appellant. Unless the order of dismissal would be set aside and the appeal would be restored serious prejudice shall be caused to the appellant.

None appeared on behalf of the respondent to resist the application. The appeal no doubt involves valuable right of the appellant and it is felt that the parties should not be punished for mistake committed in conduct of the case. Hence, the petition for restoration is allowed the order dated 23.08.2019 is hereby set-aside and the appeal is restored to its original no. list the matter on 19-March-2021 for hearing of the appeal since respondent has already submitted its reply to the appeal.


(Presiding Officer)