

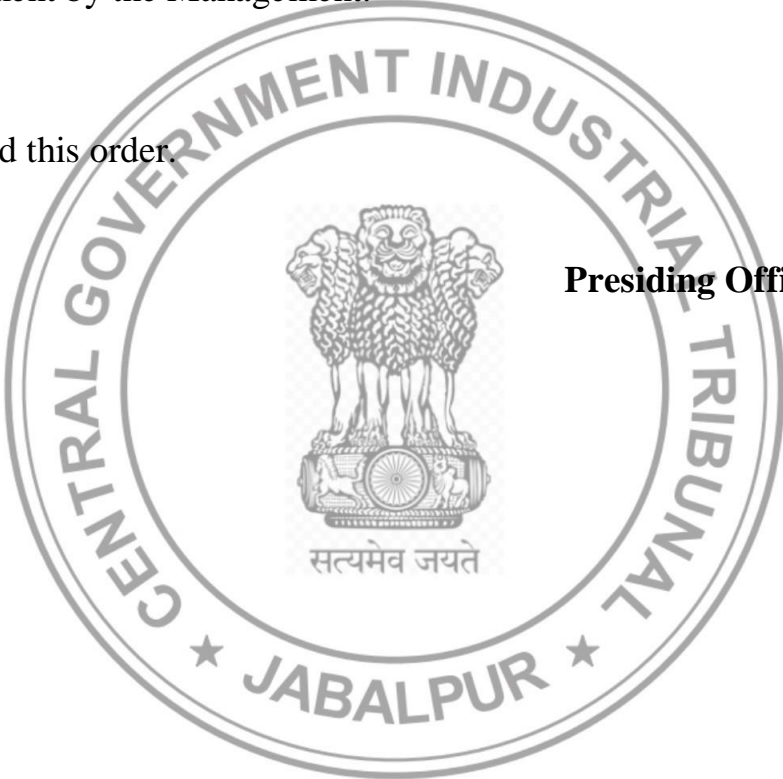
ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,  
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
Case No. CGIT/LC/Misc./04/2024 The Director J.M.C. Projects V/S Shri Anil Rai		
12.02.2025	<p>The Applicant has filed an application to set aside Ex-parte Judgment and Award dated 14.02.2024 passed by this Tribunal in the Case R/90/2019 by the said Award, the OP workman was held entitled to be reinstated with all service benefits and the 40% back wages payable to him within 90 within days from date of Award. Failing which interest.</p> <p>The opposite party Workman has preferred Written objection which is on record.</p> <p>I have heard argument of Learned Counsel Mr. Anoop Nair assisted by Learned Counsel Mr. Sachin Agrawal for Applicant Management and Learned Counsel Shri Arun Patel for OP Workman. I have gone through the record as well.</p> <p>The case of the Applicant Workman is that during the pendency of the Reference Case R/90/2019 the Applicant Management acquired the previous Management in 2022. The earlier Management M/s JMC Project who was a party in the Reference, did not inform the Applicant nor did they disclose this fact before the Tribunal and absent themselves in the proceedings because they had lost all the Interest in the dispute. Hence, after the Applicant Company came to know about the Award, they filed this petition for restoration.</p> <p>Though, the application has been opposed from the side of OP Workman but keeping in view the fact that the Management of M/s JMC Project who were party to the Reference and contested the case, it transferred their ownership and control to the Applicant Management during pendency of the proceedings this fact was not disclosed by any of the parties. Hence, the Award was passed against the party, who did not have interest in the lis. In these circumstances. Relying on the judgment of the <b>Hon’ble Supreme in the case of Haryana Suraj Malting Ltd. Vs.</b></p>	

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	<p><b>Phool Chand 2018 SCC Online SC 631</b>, the application deserves to be allowed.</p> <p>Application for staying ex-parte Award passed in the case R/90/2019 is allowed. The Judgment and Award dated 14.02.2024 is set-aside. The reference Case be restored on its original No. The Applicant Management is directed to file their Written Statement of defense within 30 days from today in the reference case.</p> <p>List the Reference Case R/90/2019 on 23.04.2025 for Written Statement by the Management.</p> <p>Upload this order.</p> <div></div> <p><b>Presiding Officer</b></p>	