

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

CASE NO. CGIT/LC/R-19/2019

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
13-6-2022	<p>Taken up.</p> <p>Workman Shri D.P.Saraf present in person and filed application for recalling order dated 23-2-2022, proceeding ex-parte against the workman.</p> <p>Shri A.K.Shashi , learned counsel present for management with Management representative Amita Chauhan, Manager personnel.</p> <p>Before this application, an application under Section 36(4) of the Industrial Disputes Act,1947(hereinafter referred to as the word Act) has been filed by the workman for refusing permission to Management for engaging an advocate has been filed. The workman Shri D.P.Saraf requests that his this application be disposed first.</p> <p>I have heard him in person and Management on this application and have gone through the record.</p> <p>The main objection of Management is that the workman is an ex-employee of Management. He himself is a la graduate and is a practicing layer of Chhattisgarh and Madhya Pradesh bearing Registration No.627/2017.</p> <p>The Management submits that since the workman himself is a practicing lawyer, it will not be proper and legal to restrain the management of services of a practicing lawyer and Section 36(4) of the Act will have no application in this case.</p> <p>The workman has produced before this Court a photocopy order of Hon'ble the Apex Court in Civil Appeal No.6586/2019/SLP Civil Nio.12632/2018. He has referred to para 12 and 13 of the said order which is being reproduced as Follows:-</p> <p>“..The reference has been pending in the Labour Court since 2009. In spite of there being no interim order by the High Court, the Labour Court did not proceed with the reference. There is an interim order passed by this Court staying the proceedings before the labour Court on 13-11-2018. He submitted that notwithstanding the pendency of the matter before this Court, the reference No.IDA No.121 of 2016 may be decided. Mr. J.P.Cama, learned Senior Counsel appearing for the management fairly submitted that they will bear the expenses of the lawyer who can be engaged by the workmen provided that the appellant is permitted to engage and advocate.</p> <p>The workman is at liberty to engage an advocate, and the fee of the said advocate shall be paid by the Management. The appellant shall be permitted to be represented by an Advocate. As this direction is being given in view of the complaint of the workman that he is suffering due to the delay it is deemed that the workman has no objection to the appellant engaging an advocate. The Labour Court is directed to proceed with Reference IDA No.121 of 2016 expeditiously at 2 P.M. the matter within a period of six months from today.</p>	

