

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE AVENUE,  
DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,  
Presiding Officer, C.G.I.T.-Cum-Labour  
Court-II, New Delhi.

**ATA No. 1040(16)2014**

M/s E-Shakti. Com Pvt. Ltd.

Appellant

VS.

APFC, Gurgaon

Respondent

**ORDER DATED:-25.03.2021**

Present:- Ms. Shanu, Ld. Counsel for the Appellant.  
Shri S.N. Mahanta, Ld. Counsel for the Respondent

This order deals with the application filed by the appellant/applicant praying recall of the order dated 24.09.2019 dismissing the appeal for default and restoration of the same with original no.

Argument was heard on the petition on 17.02.2020. Perusal of the record shows that the appeal was filed in the year 2014 and the appellant was diligently prosecuting the same till 10.02.2017 when it was listed for argument. Thereafter, the EPFAT by order of the appropriate authority merged with the CGIT and in the process of transition the cases were adjourned sine-die.

On 10.07.2019 fresh notice was issued to both the parties fixing to 24.09.2019. Whereas notice to the respondent was duly served the notice to the appellant returned un-served with a report that the address has left. Due to the same the appeal was dismissed by order dated 24.09.2019.

The appellant has stated that the notice sent by the tribunal was never received by the appellant who came to know about the order of dismissal on 13.01.2020 when he made a voluntary inspection of the file. The absence was neither intentional nor deliberate. The appeal involves valuable right of the appellant. Unless an order restoring the file to its original no. would be passed, serious prejudice shall be caused.

The Ld. Counsel for the respondent however raised objection to the same.

On hearing the contention raised it is felt that the absence of the appellant was never intentional but happened due to the disturbance created during the seating and merging of the tribunals. In the interest of justice it is felt proper to recall the order dated 24.09.2019 and restored the appeal to its original no. the application is accordingly allowed. The appeal is restored to file. List the matter on 06.09.2021.

Presiding Officer