

**BEFORE THE HON'BLE 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.

M/s. Six Dee Telecom Solution

Appellant

Vs.

APFC, Delhi South

Respondent

ATA No. :-300(4)2015

ORDER DATED:-11.11.2021

Present:- Shri Rajeev Arora, Ld. Counsel for the Appellant.
Shri B.B Pradhan, Ld. Counsel for the Respondent.

The matter has been listed today for final argument of the appeal. When called upon the Ld. Counsel for the respondent Mr. B.B Pradhan expressed readiness for argument. But the Ld. Counsel for the appellant Mr. Rajeev Arora took objection and by drawing attention to the order dated 30.09.2021 submitted that the respondent had moved an application for early hearing and vacation of the interim stay granted. The Tribunal without giving opportunity to the appellant of resisting the application passed the order dated 30.09.2021 and posted the matter for argument today. He thereby insisted that the said miscellaneous application with regard to vacation of stay and early hearing be heard again in his presence before the final argument of the appeal is taken up.

This submission of the Ld. Counsel Mr. Arora is not accepted since the miscellaneous application filed by Mr. B. B Pradhan has already been disposed of and no more pending for consideration. It seems Mr. Arora is not ready and willing to argue on the appeal today on the pretext that the miscellaneous application has been disposed off in his absence.

Be its stated here that the matter was listed on 23.09.2021 and from that day it was adjourned to 11.11.2021 for final argument. A petition was filed by the respondent on 27.08.2021 praying early hearing of the matter and vacation of the stay. On his mentioning the application was taken up on 30.09.2021 which was not the date fixed. Since, the appellant was not present on that day an order was passed directing that the matter be listed on the date fixed i.e. today and no order was passed in respect of the prayers for vacation of stay. So far as the prayer for early hearing concerned in the order dated 30.09.2021 a direction was given that the appeal will be heard on the date already fixed without adjournment.

Today the appellant expressed concern that the matter has been fixed for hearing without his knowledge and the order dated 30.09.2021 has been passed behind his back. The said concern of the Ld. Counsel of the appellant is without basis since the prayer for stay vacation has not been allowed the case was not pre-poned. It is not understood what worries the appellant when the appeal is listed today for final argument as was directed in the previous order dated 23.09.2021. It seems the Ld. Counsel is not ready in the matter and wants adjournment on some plea or other. So many matters have been listed today for final argument and the advocates are waiting for their turn to come. In view of the same it is not felt proper to waste more time on resolving the concern of the Ld. Counsel for the appellant which has no basis. The matter is thus, adjourned to 03.02.2022 for final argument of the appeal when both parties shall come ready.

At this juncture the Ld. Counsel for the appellant submitted that the LCR may be called for from the office of the respondent. It is an old appeal of the year 2015 and till date no application for the LCR has been filed. The appellant is directed to file an application for summoning the LCR in course of the day failing which the matter will be taken up for final argument without the LCR considering the old nature of the matter.

Presiding Officer