

Court No. - 6

Case :- WRIT - C No. - 39396 of 2023

Petitioner :- Pnc Infratec Limited

Respondent :- Employee Compensation Commissioner And 8 Others

Counsel for Petitioner :- Piyush Bhargava

Counsel for Respondent :- C.S.C.,Narendra Kumar Tiwari,Rajesh Kumar Srivastava

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Piyush Bhargava, learned counsel for the petitioner, learned Standing Counsel for the State-respondent, Mr. Rajesh Kumar Mishra, Advocate holding brief of Mr. Narendra Kumar Tiwari, learned counsel for respondent no. 8 and Rajesh Kumar Srivastava, learned counsel for respondent no. 7.

The present writ petition has been filed challenging the order dated 26.08.2023 vide which the recall application has been rejected.

Learned counsel for the petitioner submits that against an ex-parte award dated 30.11.2022 a recall application was filed which was rejected by order dated 26.08.2023 without application of judicial mind. He further submits that specific stand was taken in the recall application stating that no notice was served upon the petitioner, however without there being any finding of the aforesaid aspect, the recall application has been rejected in an mechanical manner.

The learned Standing Counsel could not dispute the aforesaid fact as argued by counsel for the petitioner.

No useful purpose would be served by keeping this petition pending in view of the order, which the Court proposes to pass hereunder.

In view of the aforesaid, the impugned order dated 26.08.2023, is hereby set aside and the matter is remitted back to the respondent no. 1 to decide the recall application after considering the objection as placed by the petitioner in the recall application, afresh in accordance with law by means of a reasoned and speaking order, preferably within a period of one month from the date of production of a certified copy of this order, if there is no

other legal impediment.

With the aforesaid directions, the present application is allowed.

There shall be no order as to costs.

Order Date :- 1.12.2023

Arti